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CANADA,

DEPARTMENT OF EXTERNAL AFFAIRS

TREATY SERIES

1942 — 1943

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Ottawa,  
Edmond Cloutier,  
Printer to the King's Most Excellent Majesty.  
1942 — 46.







CANADA

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TREATY SERIES 1942

No. 1

DECLARATION BY UNITED NATIONS

Done at Washington, January 1, 1942

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RELATED DOCUMENTS:

DECLARATION OF PRINCIPLES, KNOWN AS THE ATLANTIC CHARTER, BY THE PRIME MINISTER OF THE UNITED KINGDOM AND THE PRESIDENT OF THE UNITED STATES OF AMERICA, AUGUST 14, 1941.

RESOLUTIONS APPROVING THE ATLANTIC CHARTER AND PROVIDING FOR THE REPROVISIONING OF EUROPE AFTER THE WAR ADOPTED AT THE INTER-ALLIED MEETING HELD IN LONDON, SEPTEMBER 24, 1941.

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TRIPARTITE PACT SIGNED AT BERLIN, SEPTEMBER 27, 1940 AND REFERRED TO IN THE ABOVE DECLARATION BY UNITED NATIONS.



OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1942







**DECLARATION BY UNITED NATIONS, DONE AT WASHINGTON ON  
JANUARY 1, 1942, WITH RELATED DOCUMENTS**

**I.**

**DECLARATION BY UNITED NATIONS:**

A JOINT DECLARATION BY THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, CHINA, AUSTRALIA, BELGIUM, CANADA, COSTA RICA, CUBA, CZECHOSLOVAKIA, DOMINICAN REPUBLIC, EL SALVADOR, GREECE, GUATEMALA, HAITI, HONDURAS, INDIA, LUXEMBOURG, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PANAMA, POLAND, SOUTH AFRICA, YUGOSLAVIA.

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland dated August 14, 1941, known as the Atlantic Charter,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world, DECLARE:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.

(2) Each Government pledges itself to co-operate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

Done at Washington, January First, 1942.

The United States of America,  
by Franklin D. Roosevelt.

The United Kingdom of Great Britain and Northern Ireland,  
by Winston S. Churchill.

On behalf of the Government of the Union of Soviet Socialist Republics,  
Maxim Litvinoff,  
Ambassador.

National Government of the Republic of China,  
Tze-Ven Soong,  
Minister for Foreign Affairs.



The Commonwealth of Australia,  
by R. G. Casey.

The Kingdom of Belgium,  
by Ote R. v. Straten.

Canada,  
by Leighton McCarthy.

The Republic of Costa Rica,  
by Luis Fernández.

The Republic of Cuba,  
by Aurelio F. Concheso.

Czechoslovak Republic,  
by V. S. Hurban.

The Dominican Republic,  
by J. M. Troncoso.

The Republic of El Salvador,  
by C. A. Alfaro.

The Kingdom of Greece,  
by Cimon P. Diamantopoulos.

The Republic of Guatemala,  
by Enrique Lopez-Herrarte.

La République d'Haiti,  
par Fernand Dennis.

The Republic of Honduras,  
by Julian R. Caceres.

India,  
by Girja Shankar Bajpai.

The Grand Duchy of Luxembourg,  
by Hugues le Gallais.

The Kingdom of The Netherlands,  
by A. Loudon.

Signed on behalf of the Govt. of the Dominion of New Zealand,  
by Frank Langstone.

The Republic of Nicaragua,  
by León DeBayle.

The Kingdom of Norway,  
by W. Munthe de Morgenstierne.

The Republic of Panama,  
by Jaén Guardia.

The Republic of Poland,  
by Jan Ciechanowski.

The Union of South Africa,  
by Ralph W. Close.

The Kingdom of Yugoslavia,  
by Constantin A. Fotitch.



## II.

## DECLARATION OF PRINCIPLES, KNOWN AS THE ATLANTIC CHARTER, ISSUED BY THE PRIME MINISTER OF THE UNITED KINGDOM AND THE PRESIDENT OF THE UNITED STATES OF AMERICA, AUGUST 14, 1941.

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

FIRST, their countries seek no aggrandizement, territorial or other;

SECOND, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

THIRD, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

FOURTH, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

FIFTH, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic adjustment, and social security;

SIXTH, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

SEVENTH, such a peace should enable all men to traverse the high seas and oceans without hindrance;

EIGHTH, they believe that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

FRANKLIN D. ROOSEVELT

WINSTON S. CHURCHILL

## III.

RESOLUTIONS ADOPTED AT THE INTER-ALLIED MEETING HELD  
IN LONDON, SEPTEMBER 24, 1941

## RESOLUTION No. 1

The Governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Union of Soviet Socialist Republics and Yugoslavia, and the representatives of General de Gaulle, leader of Free Frenchmen,

Having taken note of the Declaration recently drawn up by the President of the United States and by the Prime Minister, Mr. Churchill, on behalf of His Majesty's Government in the United Kingdom,

Now make known their adherence to the common principles of policy set forth in that Declaration and their intention to co-operate to the best of their ability in giving effect to them.\*

## RESOLUTION No. 2

The Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, the Governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, the Union of Soviet Socialist Republics and Yugoslavia, and the representatives of General de Gaulle, leader of Free Frenchmen, agree:—

(1) That it is their common aim to secure that supplies of food, raw materials and articles of prime necessity should be made available for the post-war needs of the countries liberated from Nazi oppression.

(2) That, while each of the Allied Governments and authorities will be primarily responsible for making provision for the economic needs of its own peoples, their respective plans should be co-ordinated, in a spirit of inter-allied collaboration, for the successful achievement of the common aim.

(3) That they welcome the preparatory measures which have already been undertaken for this purpose and express their readiness to collaborate to the fullest extent of their power in pursuing the action required.

(4) That, accordingly, each of the Allied Governments and authorities should prepare estimates of the kinds and amounts of foodstuffs, raw materials and articles of prime necessity required, and indicate the order of priority in which it would desire supplies to be delivered.

(5) That the reprovisioning of Europe will require the most efficient employment after the war of the shipping resources controlled by each Government and of Allied resources as a whole, as well as of those belonging to other European

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\* In submitting this resolution, Mr. A. Eden, British Secretary of State for Foreign Affairs, made the following Statement:—

“The preamble of this resolution makes no mention of His Majesty's Government in the United Kingdom, or of His Majesty's Governments in Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, for the reason that His Majesty's Government in the United Kingdom is a party to the original Declaration, and that the Dominion Governments are already associated with it.” (See British sessional paper Cmd. 6315 (1941), page 7.)



countries, and that plans to this end should be worked out as soon as possible between the Allied Governments and authorities, in consultation as and when appropriate with other Governments concerned.

(6) That, as a first step, a bureau should be established by His Majesty's Government in the United Kingdom, with which the Allied Governments and authorities would collaborate in framing estimates of their requirements, and which, after collating and co-ordinating these estimates, would present proposals to a Committee of Allied representatives under the chairmanship of Sir Frederick Leith-Ross.

**TRIPARTITE PACT**  
**SIGNED AT BERLIN, SEPTEMBER 27, 1940**

*(Referred to in Declaration by United Nations)*

The Governments of Germany, Italy and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its own proper place, have decided to stand by and co-operate with one another in regard to their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned.

Furthermore, it is the desire of the three Governments to extend co-operation to such nations in other spheres of the world as may be inclined to put forth endeavours along lines similar to their own, in order that their ultimate aspirations for world peace may thus be realized.

Accordingly, the Governments of Germany, Italy and Japan have agreed as follows:

I. Japan recognizes and respects the leadership of Germany and Italy in the establishment of a new order in Europe.

II. Germany and Italy recognize and respect the leadership of Japan in the establishment of a new order in Greater East Asia.

III. Germany, Italy and Japan agree to co-operate in their efforts on aforesaid lines. They further undertake to assist one another with all political, economic and military means when one of the three contracting Powers is attacked by a Power at present not involved in the European war or in the Chinese-Japanese conflict.

IV. With the view to implementing the present pact, joint technical commissions, members of which are to be appointed by the respective Governments of Germany, Italy, and Japan, will meet without delay.

V. Germany, Italy and Japan affirm that the aforesaid terms do not in any way affect the political status which exists at present as between each of the three contracting parties and Soviet Russia.

VI. The present pact shall come into effect immediately upon signature and shall remain in force ten years from the date of its coming into force. At the proper time before expiration of said term the high contracting parties shall at the request of any one of them enter into negotiations for its renewal.\*

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\* The following States have adhered to the Tripartite Pact of Berlin: Hungary (Nov. 20, 1940), Rumania (Nov. 22, 1940), Slovakia (Nov. 24, 1940), Bulgaria (March 1, 1941), Croatia (June 15, 1941). Yugoslavia, which signed the Pact on March 25, 1941, refused later to ratify.



Can  
E.A.

Canada: External Affairs, 1942

( CANADA )

TREATY SERIES, 1942

No. 2

CONVENTION AND PROTOCOL

BETWEEN

CANADA AND THE UNITED STATES  
OF AMERICA

FOR THE

AVOIDANCE OF DOUBLE TAXATION

AND THE

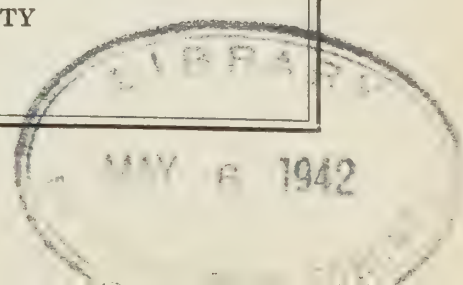
PREVENTION OF FISCAL EVASION  
IN THE CASE OF INCOME TAXES

Signed at Washington, March 4, 1942



OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1942

Price, 25 cents.









CANADA

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TREATY SERIES, 1942

No. 2

CONVENTION AND PROTOCOL

BETWEEN

CANADA AND THE UNITED STATES  
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AVOIDANCE OF DOUBLE TAXATION

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Signed at Washington, March 4, 1942



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**CONVENTION AND PROTOCOL BETWEEN CANADA AND THE UNITED  
STATES OF AMERICA FOR THE AVOIDANCE OF DOUBLE  
TAXATION AND THE PREVENTION OF FISCAL  
EVASION IN THE CASE OF INCOME  
TAXES\***

Signed at Washington, March 4, 1942

I

CONVENTION

The Government of Canada and the Government of the United States of America, being desirous of further promoting the flow of commerce between the two countries, of avoiding double taxation and of preventing fiscal evasion in the case of income taxes, have decided to conclude a Convention and for that purpose have appointed as their Plenipotentiaries:

Mr. Leighton McCarthy, K.C., Envoy Extraordinary and Minister Plenipotentiary of Canada at Washington; and

Mr. Sumner Welles, Acting Secretary of State of the United States of America;

who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

ARTICLE I

An enterprise of one of the contracting States is not subject to taxation by the other contracting State in respect of its industrial and commercial profits except in respect of such profits allocable in accordance with the Articles of this Convention to its permanent establishment in the latter State.

No account shall be taken in determining the tax in one of the contracting States, of the mere purchase of merchandise effected therein by an enterprise of the other State.

ARTICLE II

For the purposes of this Convention, the term "industrial and commercial profits" shall not include income in the form of rentals and royalties, interest, dividends, management charges, or gains derived from the sale or exchange of capital assets.

Subject to the provisions of this Convention such items of income shall be taxed separately or together with industrial and commercial profits in accordance with the laws of the contracting States.

ARTICLE III

1. If an enterprise of one of the contracting States has a permanent establishment in the other State, there shall be attributed to such permanent establishment the net industrial and commercial profit which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions. Such net profit will, in principle, be determined on the basis of the separate accounts pertaining to such establishment.

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\* Cf. the Income Tax Convention between Canada and the United States of America signed at Washington, December 30, 1936, and terminated April 29, 1941 (Canada Treaty Series, 1937, No. 13).

2. The competent authority of the taxing State may, when necessary, in execution of paragraph 1 of this Article, rectify the accounts produced, notably to correct errors and omissions or to re-establish the prices or remunerations entered in the books at the value which would prevail between independent persons dealing at arm's length.

3. If (a) an establishment does not produce an accounting showing its own operations, or (b) the accounting produced does not correspond to the normal usages of the trade in the country where the establishment is situated, or (c) the rectifications provided for in paragraph 2 of this Article cannot be effected the competent authority of the taxing State may determine the net industrial and commercial profit by applying such methods or formulae to the operations of the establishment as may be fair and reasonable.

4. To facilitate the determination of industrial and commercial profits allocable to the permanent establishment, the competent authorities of the contracting States may consult together with a view to the adoption of uniform rules of allocation of such profits.

#### ARTICLE IV

1. (a) When a United States enterprise, by reason of its participation in the management or capital of a Canadian enterprise, makes or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which should normally have appeared in the balance sheet of the Canadian enterprise but which have been, in this manner, diverted to the United States enterprise, may be incorporated in the taxable profits of the Canadian enterprise, subject to applicable measures of appeal.

(b) In order to effect the inclusion of such profits in the taxable profits of the Canadian enterprise, the competent authority of Canada may, when necessary, rectify the accounts of the Canadian enterprise, notably to correct errors and omissions or to re-establish the prices or remuneration entered in the books at the values which would prevail between independent persons dealing at arm's length. To facilitate such rectification the competent authorities of the contracting States may consult together with a view to such determination of profits of the Canadian enterprise as may appear fair and reasonable.

2. The same principle applies, *mutatis mutandis*, in the event that profits are diverted from a United States enterprise to a Canadian enterprise.

#### ARTICLE V

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other contracting State.

The present Convention will not be deemed to affect the exchange of notes between the United States of America and Canada, dated August 2 and September 17, 1928, providing for relief from double income taxation on shipping profits.\*

#### ARTICLE VI

Wages, salaries and similar compensation paid by the Government, or any agency or instrumentality thereof, of one of the contracting States or by the political subdivisions or territories or possessions thereof to citizens of such State residing in the other State shall be exempt from taxation in the latter State.

Pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

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\* For the exchange of notes see Canada Treaty Series 1928, No. 9.



## ARTICLE VII

1. A resident of Canada shall be exempt from United States income tax upon compensation for labor or personal services performed within the United States of America if he conforms to either of the following conditions:

(a) He is temporarily present within the United States of America for a period or periods not exceeding a total of one hundred and eighty-three days during the taxable year and such compensation (A) is received for labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Canada and (B) does not exceed \$5,000 in the aggregate during such taxable year; or (b) he is temporarily present in the United States of America for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such services does not exceed \$1,500 in the aggregate during such taxable year.

2. The provisions of paragraph 1 (a) of this Article shall have no application to the professional earnings of such individuals as actors, artists, musicians and professional athletes.

3. The provisions of paragraphs 1 and 2 of this Article shall apply, *mutatis mutandis*, to a resident of the United States of America deriving compensation for personal services performed within Canada.

## ARTICLE VIII

Gains derived in one of the contracting States from the sale or exchange of capital assets by a resident or a corporation or other entity of the other contracting State shall be exempt from taxation in the former State, provided such resident or corporation or other entity has no permanent establishment in the former State.

## ARTICLE IX

Students or business apprentices from one of the contracting States residing in the other contracting State for purposes of study or for acquiring business experience shall not be taxable by the latter State in respect of remittances received by them from within the former State for the purposes of their maintenance or studies.

## ARTICLE X

Income derived from sources within one of the contracting States by a religious, scientific, literary, educational, or charitable organization of the other contracting State shall be exempt from taxation in the State from which the income is derived if, within the meaning of the laws of both contracting States, such organization would have been exempt from income tax.

## ARTICLE XI

1. The rate of income tax imposed by one of the contracting States, in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not engaged in trade or business in the former State and having no office or place of business therein, shall not exceed 15 percent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: Provided, however, That this paragraph shall not apply if the

competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

4. The provisions of this Article shall not be construed so as to contravene the Tax Convention between Canada and the United States of America, effective January 1, 1936, to April 29, 1941.

## ARTICLE XII

Dividends and interest paid on or after the effective date of this Convention by a corporation organized under the laws of Canada to individual residents of Canada, other than citizens of the United States of America, or to corporations organized under the laws of Canada shall be exempt from all income taxes imposed by the United States of America.

## ARTICLE XIII

Corporations organized under the laws of Canada, more than 50 percent of the outstanding voting stock of which is owned directly or indirectly throughout the last half of the taxable year by individual residents of Canada, other than citizens of the United States of America, shall be exempt from any taxes imposed by the United States of America with respect to accumulated or undistributed earnings, profits, income or surplus of such corporations. With respect to corporations organized under the laws of Canada not exempt from such taxes under the provisions of this Article the competent authorities of the two contracting States will consult together.

## ARTICLE XIV

1. (a) The United States income tax liability for any taxable year beginning prior to January 1, 1936, of any individual resident of Canada, other than a citizen of the United States of America, or of any corporation organized under the laws of Canada, remaining unpaid as of the date of signature of this Convention may be adjusted on a basis satisfactory to the Commissioner: Provided, That the amount to be paid in settlement of such liability shall not exceed the amount of the liability which would have been determined if—

(A) the Revenue Act of 1936 as modified by the Tax Convention between Canada and the United States of America, effective January 1, 1936, to April 29, 1941 (except in the case of a corporation organized under the laws of Canada more than 50 percent of the outstanding voting stock of which was owned directly or indirectly throughout the last half of the taxable year by citizens or residents of the United States of America) and

(B) Articles XII and XIII of this Convention had been in effect for such year.

If the taxpayer was not, within the meaning of the Revenue Act of 1936, engaged in trade or business within the United States of America and had no office or place of business therein during the taxable year, the amount of interest and penalties shall not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.



(b) The United States income tax liability remaining unpaid as of the date of signature of this Convention for any taxable year beginning after December 31, 1935, and prior to January 1, 1941, in the case of any individual resident of Canada, other than a citizen of the United States of America, or in the case of any corporation organized under the laws of Canada shall be determined as if the provisions of Articles XII and XIII of this Convention had been in effect for such year.

2. The provisions of paragraph 1 of this Article shall not apply—

- (a) Unless the taxpayer files with the Commissioner within two years from the date of signature of this Convention a request that such tax liability be so adjusted together with such information as the Commissioner may require;
- (b) In any case in which the Commissioner is satisfied that any deficiency in tax is due to fraud with intent to evade the tax.

#### ARTICLE XV

In accordance with the provisions of Section 8 of the Income War Tax Act as in effect on the day of the entry into force of this Convention, Canada agrees to allow as a deduction from the Dominion income and excess profits taxes on any income which was derived from sources within the United States of America and was there taxed, the appropriate amount of such taxes paid to the United States of America.

In accordance with the provisions of Section 131 of the United States Internal Revenue Code as in effect on the day of the entry into force of this Convention, the United States of America agrees to allow as a deduction from the income and excess profits taxes imposed by the United States of America the appropriate amount of such taxes paid to Canada.

#### ARTICLE XVI

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen or resident or, if the taxpayer is a corporation or other entity, with the State in which it was created or organized. If the claim should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the double taxation in question may be avoided in accordance with the terms of this Convention.

#### ARTICLE XVII

Notwithstanding any other provision of this Convention, the United States of America in determining the income and excess profits taxes, including all surtaxes, of its citizens or residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States of America as though this Convention had not come into effect.

#### ARTICLE XVIII

The competent authorities of the two contracting States may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

## ARTICLE XIX

With a view to the prevention of fiscal evasion, each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

The information to be furnished under the first paragraph of this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

## ARTICLE XX

1. The competent authorities of the United States of America shall forward to the competent authorities of Canada as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States of America dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

2. The competent authorities of Canada shall forward to the competent authorities of the United States of America as soon as practicable after the close of each calendar year the following information relating to such calendar year:

- (a) The names and addresses of all persons whose addresses are within the United States of America and who derive from sources within Canada dividends, interest, rents, royalties, salaries, wages, pensions, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.
- (b) The names and addresses of all persons whose addresses are outside of Canada and who derive through a nominee, or agent, or custodian in Canada income from sources within the United States of America, and who are not entitled to the reduced rate of 15 percent with respect to such income provided in Article XI of this Convention, showing the amount of such income in the case of each addressee.
- (c) The names and addresses, where available, of persons whose addresses are outside of Canada and who derive dividends during the calendar year from corporations organized under the laws of Canada, more than 50 percent of the gross income of which is derived from sources within the United States of America, showing the amount of such dividends in each case.
- (d) The names and addresses of all persons whose addresses are within the United States of America and who beneficially or of record own stocks or bonds, debentures or other securities, or evidences of funded indebtedness, of any company taxed in Canada as a Non-Resident-Owned Investment Corporation. The term "Non-Resident-Owned Investment Corporation" shall have the same meaning as when used in the Income War Tax Act of Canada.

## ARTICLE XXI

1. If the Minister in the determination of the income tax liability of any person under any of the revenue laws of Canada deems it necessary to secure the cooperation of the Commissioner, the Commissioner may, upon request,



furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner in the determination of the income tax liability of any person under any of the revenue laws of the United States of America deems it necessary to secure the cooperation of the Minister, the Minister may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

#### ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

This Convention and Protocol shall become effective on the first day of January 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter provided that, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Done in duplicate, at Washington, this fourth day of March, 1942.

(Seal) LEIGHTON McCARTHY

(Seal) SUMNER WELLES

## II

## PROTOCOL

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income taxes, this day concluded between Canada and the United States of America, the undersigned plenipotentiaries have agreed upon the following provisions and definitions:

1. The taxes referred to in this Convention are:

- (a) for the United States of America: the Federal income taxes, including surtaxes, and excess-profits taxes.
- (b) for Canada: the Dominion income taxes, including surtaxes, and excess-profits taxes.

2. In the event of appreciable changes in the fiscal laws of either of the contracting States, the Governments of the two contracting States will consult together.

3. As used in this Convention:

- (a) the terms "person", "individual" and "corporation", shall have the same meanings, respectively, as they have under the revenue laws of the taxing State or the State furnishing the information, as the case may be;
- (b) the term "enterprise" includes every form of undertaking, whether carried on by an individual, partnership, corporation or any other entity;
- (c) the term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Canadian enterprise";
- (d) the term "United States enterprise" means an enterprise carried on in the United States of America by an individual resident in the United States of America, or by a corporation, partnership or other entity created or organized in or under the laws of the United States of America, or of any of the States or Territories of the United States of America;
- (e) the term "Canadian enterprise" is defined in the same manner *mutatis mutandis* as the term "United States enterprise";
- (f) the term "permanent establishment" includes branches, mines and oil wells, farms, timber lands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise, but does not include a subsidiary corporation.

When an enterprise of one of the contracting States carries on business in the other contracting State through an employee or agent established there, who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such enterprise shall be deemed to have a permanent establishment in the latter State.

The fact that an enterprise of one of the contracting States has business dealings in the other contracting State through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State.

4. The term "Minister", as used in this Convention, means the Minister of National Revenue of Canada or his duly authorized representative. The term "Commissioner", as used in this Convention, means the Commissioner of



Internal Revenue of the United States of America, or his duly authorized representative. The term "competent authority", as used in this Convention, means the Minister and the Commissioner and their duly authorized representatives.

5. The term "Canada" when used in a geographical sense means the Provinces, the Territories and Sable Island. The term "United States of America", when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

6. The term "subsidiary corporation" referred to in Article XI of this Convention means a corporation all of whose shares (less directors' qualifying shares) having full voting rights are beneficially owned by another corporation, provided that ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

7. (a) The term "rentals and royalties" referred to in Article II of this Convention shall include rentals or royalties arising from leasing real or immovable, or personal or movable property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, good will, trade marks, trade brands, franchises and other like property;

(b) the term "interest", as used in this Convention, shall include income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts;

(c) the term "dividends", as used in this Convention, shall include all distributions of the earnings or profits of corporations.

8. The term "pensions" referred to in Article VI of this Convention means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

9. The term "life annuities" referred to in Article VI of this Convention means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

10. The terms "engaged in trade or business" and "office or place of business" as used in Article XI of this Convention shall not be deemed to include an office used solely for the purchase of merchandise.

11. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

12. The citizens of one of the contracting States residing within the other contracting State shall not be subjected to the payment of more burdensome taxes than the citizens of such other State.

Done in duplicate, at Washington, this fourth day of March, 1942.

(Seal) LEIGHTON McCARTHY

(Seal) SUMNER WELLES











Canada. External Affairs, Sept. 1942

(CANADA)

TREATY SERIES, 1942

No. 3

EXCHANGE OF NOTES

(February 26 and March 9, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RELATING TO THE

APPLICATION AND INTERPRETATION

OF THE

(RUSH-BAGOT) AGREEMENT

CONCERNING

THE NAVAL FORCES ON THE GREAT LAKES

EFFECTED BY AN EXCHANGE OF NOTES

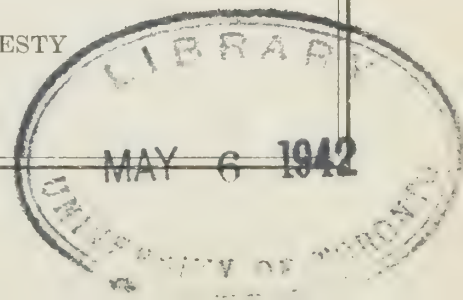
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CANADA  

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TREATY SERIES, 1942  
No. 3

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OTTAWA  
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1942

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THE NAVAL FORCES TO BE MAINTAINED ON THE GREAT  
LAKES EFFECTED BY AN EXCHANGE OF NOTES DATED 28-29  
APRIL 1817\*.**

**Signed at Ottawa, February 26 and March 9, 1942**

---

**I**

*The United States Minister to Canada  
to the Secretary of State for External Affairs, Ottawa*

**LEGATION OF THE  
UNITED STATES OF AMERICA  
OTTAWA**

No. 611

February 26, 1942.

SIR:—May I refer to Dr. Skelton's note of October 30, 1940, and my reply of November 2, 1940, interpreting the Rush-Bagot Agreement in the light of existing conditions and in conformity with the intent of the Agreement. I am now in receipt of instructions from my Government to suggest that in order to permit naval vessels being constructed on the Great Lakes to combat enemy action upon their arrival in the open sea, they may be permitted to have their armament placed in complete readiness for action and that all essential tests and trial of machinery and armament, including the submerged operations of submarines and test firing of torpedoes and guns be effected in Great Lakes waters. My Government is in hopes that the Canadian Government will approve the suggestion, it being understood that the proposed procedure is to be effective only for the duration of the present hostilities.

Accept, Sir, the renewed assurances of my highest consideration.

**PIERREPONT MOFFAT.**

---

\* For the text of the Rush-Bagot Agreement of 1817 see "Treaties affecting Canada in force between His Majesty and the United States of America", 1927, p. 12.

For the text of the Exchange of Notes of June-Nov. 1940 referred to in the United States Minister's Note of February 26, see Canada Treaty Series, 1940, No. 12.

## II

*The Secretary of State for External Affairs, Ottawa,  
to the United States Minister to Canada.*

## DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 9, 1942.

No. 21

SIR:—I have the honour to refer to your Note No. 611 dated 26th February, 1942, with regard to the further interpretation of the Rush-Bagot Agreement in the light of existing conditions and in conformity with the intent of the Agreement.

Consideration has been given to your suggestion, and I am now authorized to inform you that the Canadian Government agrees to a further interpretation of the Rush-Bagot Agreement based upon it. Accordingly, in order to permit naval vessels being constructed on the Great Lakes to combat enemy action upon their arrival in the open sea, they will be permitted to have their armament placed in complete readiness for action and all essential tests and trials of machinery and armament including the submerged operations of submarines and test firing of torpedoes and guns may be effected in Great Lakes waters.

The Canadian Government also concurs in your suggestion that this procedure should be effective only for the duration of the present hostilities.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*for the Secretary of State for  
External Affairs*



Doc.  
an  
Canada - External Affairs Section  
CANADA

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TREATY SERIES, 1942

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No. 4

EXCHANGE OF NOTES

(March 6 and 12, 1942)

BETWEEN

CANADA AND THE UNITED STATES  
OF AMERICA

RECORDING AN AGREEMENT

RESPECTING

UNEMPLOYMENT INSURANCE

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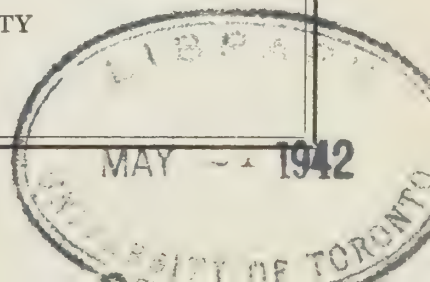
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No. 4

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(March 6 and 12, 1942)

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CANADA AND THE UNITED STATES  
OF AMERICA

RECORDING AN AGREEMENT

RESPECTING

UNEMPLOYMENT INSURANCE

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IN FORCE APRIL 12, 1942

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**EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT RESPECTING UNEMPLOYMENT INSURANCE**

**Signed at Ottawa, March 6 and 12, 1942**

---

**I**

*The Secretary of State for External Affairs to the United States Minister*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 6, 1942.

No. 22

SIR,

I have the honour to state that discussions have recently taken place between representatives of the Unemployment Insurance Commission of Canada and the Social Security Board of the United States of America on matters of mutual interest arising under the laws of both countries.

The United States of America, by the enactment of the Social Security Act (Act of August 14, 1935, c. 531, 49 Stat. 620, 42 U.S.C., c. 7 (Supp.), as amended by Act of August 10, 1939, c. 666, 53 Stat. 1360), has made provision for the maintenance of a Federal-State unemployment insurance program in the United States of America. The Parliament of Canada, by the enactment of the Unemployment Insurance Act, 1940, chapter 44 of the Statutes of Canada, 1940, has made provision for an unemployment insurance program in Canada.

There are now in operation unemployment insurance laws in the various states of the United States of America and in Canada.

The representatives of the Unemployment Insurance Commission and the Social Security Board concluded that it is desirable that the application of such laws be co-ordinated and integrated so that duplication of contributions with respect to the same services and duplication of insurance payments with respect to the same periods of unemployment may be avoided.

In order to achieve this result, the Government of Canada is prepared to make with the Government of the United States of America the agreement which is annexed as an Appendix to this note.\* The agreement would come into force one month from the date of your reply stating that the Government of the United States of America accepts the Canadian Government's proposal.

Accept, Sir, the renewed assurance of my highest consideration.

N. R. ROBERTSON

*for the Secretary of State for External Affairs.*

---

\* For the Appendix see below, page 5.

## II

*The United States Minister to the Secretary of State for External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, March 12, 1942.

No. 620

SIR,

I have the honor to acknowledge the receipt of your note dated March 6, 1942, setting forth as an appendix the agreement which the Government of Canada is prepared to make with the Government of the United States of America respecting the coordination and integration of the unemployment insurance laws of the United States of America and Canada, so that duplication of contributions with respect to the same services and duplication of insurance payments with respect to the same periods of unemployment may be avoided.

Under instructions from my Government, I hereby advise you that the Government of the United States of America accepts the Canadian Government's proposal and understands that the agreement will come into force one month from the date of this note; namely, April 12, 1942.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT



## APPENDIX

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### AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RESPECTING UNEMPLOYMENT INSURANCE

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#### ARTICLE I

(a) In this agreement, unless the context otherwise requires,

(i) "agency" means any officer, board, commission or other authority designated by an Unemployment Insurance Law in force in any state or in Canada to administer the Unemployment Insurance Fund for which provision is made by such Unemployment Insurance Law;

(ii) "state" means any state of the United States of America, the territories of Alaska and Hawaii, and the District of Columbia;

(iii) "Social Security Board" means the Board designated in the Social Security Act to administer those provisions of the laws of the United States of America which relate to the Federal-State unemployment insurance program;

(iv) "jurisdiction" means any State or Canada.

(b) Services performed by an individual for an employer shall be deemed to be localized within a jurisdiction if—

(i) such services are performed entirely within such jurisdiction, or

(ii) such services are performed both within and without such jurisdiction, but the services performed without such jurisdiction are incidental to the individual's services performed within such jurisdiction, for example, are temporary or transitory in nature or consist of isolated transactions.

#### ARTICLE II

This agreement shall not be applicable to employment with respect to which contributions are payable under The Railroad Unemployment Insurance Act of the United States of America or to periods of unemployment with respect to which benefits are payable under that Act.

#### ARTICLE III

The Government of the United States of America agrees that the Social Security Board will recommend to each of the states that it carry out the provisions herein contained, and Canada agrees to carry out such provisions: Provided that if any state does not substantially carry out any such provisions, the Unemployment Insurance Commission of Canada may suspend the operation of such provision with reference to such state.

## ARTICLE IV

(a) An individual's entire services for an employer in insurable employment as defined in the unemployment insurance law of a jurisdiction will be insured under the unemployment insurance law of such jurisdiction in respect of services performed by him within, or both within and without such jurisdiction if—

(1) his services are localized in such jurisdiction, or

(2) his services are not localized in any jurisdiction but some of his services are performed in such jurisdiction, and

(i) his base of operations, or if he has no base of operations, the place from which his services are directed or controlled, is in such jurisdiction, or

(ii) his base of operations or the place from which his services are directed or controlled is not in any jurisdiction in which some of his services are performed, but his residence is in such jurisdiction.

(b) If Clauses 1 and 2 of paragraph (a) of this article do not apply with respect to an individual's services, the agency of any jurisdiction may approve, subject to such conditions as it may prescribe or as may be prescribed by its unemployment insurance law, an election by such individual's employer pursuant to which such individual's entire services for that employer shall be deemed to be insured employment under the unemployment insurance law of such jurisdiction.

## ARTICLE V

The Agency of any jurisdiction may perform services for the agency of any other jurisdiction in the taking and development of any claim for benefits by an individual absent from such latter jurisdiction and desirous of claiming benefits under the unemployment insurance law of such jurisdiction.

## ARTICLE VI

(a) To avoid the duplication of unemployment insurance payments with respect to the same period of unemployment, no benefits shall be payable on the basis of a claim filed through an agency of another jurisdiction unless the claimant's benefit rights, if any, under the law of the jurisdiction in which he files his claim shall have been exhausted or otherwise terminated.

(b) If, after such rights have been exhausted or otherwise terminated, any such individual has rights under the unemployment insurance laws of two or more jurisdictions, such individual may be required to exhaust or otherwise terminate his rights to benefits under such other laws in such order as may be determined jointly by the Social Security Board of the United States of America and the Unemployment Insurance Commission of Canada, to be reasonable and just as between all affected interests.

## ARTICLE VII

This agreement may be amended by mutual arrangement evidenced by an exchange of notes between the two Governments, and may be terminated by either Government after sixty days notice to the other Government.







Canada External Affairs, September 1942

CANADA

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TREATY SERIES, 1942

No. 5

EXCHANGE OF NOTES

(March 18 and 20, 1942)

BETWEEN

CANADA AND THE UNITED STATES  
OF AMERICA

RECORDING AN AGREEMENT

FOR THE

EXCHANGE OF PERSONNEL

BETWEEN

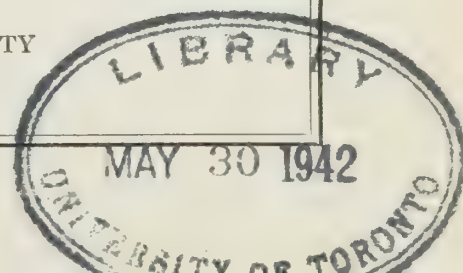
THE ARMED FORCES OF THE  
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No. 5

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OF AMERICA

RECORDING AN AGREEMENT

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BETWEEN

THE ARMED FORCES OF THE  
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**EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT FOR THE EXCHANGE OF PERSONNEL BETWEEN THE ARMED FORCES OF THE TWO COUNTRIES**

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Signed at Ottawa, March 18 and 20, 1942

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**I**

*The United States Minister at Ottawa to the Secretary of State  
for External Affairs*

Legation of the  
United States of America  
OTTAWA

No. 629

March 18, 1942.

SIR,

With reference to conversations that have recently taken place among the competent officials of the United States and the Canadian Governments concerning the proposed transfer to the Armed Forces of the United States of certain American citizens now serving in the Naval, Military, or Air Forces of Canada, I have the honor to propose that an agreement be entered into between the two Governments as follows:

**I. FORCES WITHIN CANADA**

1. The appropriate Canadian and United States authorities shall prepare a statement of the conditions of transfer and thereafter, as soon as possible, but not later than April 6, 1942, the appropriate Canadian authorities shall inform all United States citizens and former United States citizens who have lost their citizenship as a result of having taken an oath of allegiance on enlistment in the Naval, Military or Air Forces of Canada, and who are now serving in these Forces in Canada, that they have an opportunity prior to and not after April 20, 1942, to apply for appointment or enlistment in the United States Armed Forces. Personnel making such applications may withdraw them at any time prior to appointment or enlistment in the United States Armed Forces.
2. The United States War and Navy Departments shall furnish National Defence Headquarters, Ottawa, information governing the conditions of service in the United States Armed Forces, which information shall be communicated by National Defence Headquarters to all concerned.
3. National Defence Headquarters, Ottawa, shall send nominal rolls of the applicants to the War or Navy Department of the United States.
4. The United States War and Navy Departments shall appoint Boards to come to Canada to interview applicants with full power to appoint or to enlist them in the United States Forces.



5. The Naval, Military and Air Forces of Canada shall set up Boards empowered to authorize resignations and discharge of the applicants accepted by the United States Forces.
6. The Canadian Board shall be empowered to postpone transfers if in their opinion immediate transfer would prejudicially affect the common war effort.
7. Medical examinations, resignations and discharges from the Naval, Military or Air Forces of Canada, and immediate appointment or enlistment in the United States Forces, shall take place at joint meetings of the United States and Canadian Boards.
8. The United States Board will issue the necessary travel and meal vouchers to the appropriate assembly points in the United States to the accepted applicants. Accepted applicants shall be permitted to wear Canadian badges and uniform until such time as they arrive at the assembly point in the United States and are equipped with United States uniform. The United States Armed Forces will return all public clothing, arms and equipment of such accepted applicants to points in Canada to be designated.
9. Sentences of detention of selected applicants will be remitted at the request of the United States Board.
10. Except with the authority of National Defence Headquarters applicants for appointment or enlistment in the United States Armed Forces shall not be discharged from the Naval, Military or Air Forces of Canada until their application has been heard by the United States Board in accordance with the proposed plan.

## II. FORCES OUTSIDE CANADA

1. The rules which apply to the above mentioned persons serving within Canada will apply without change to those serving in the Canadian Forces in Newfoundland and Jamaica. If despite all efforts notifications to United States citizens and former United States citizens serving in Newfoundland or Jamaica are not deliverable before April 6, 1942, the option to apply for transfer will be exercisable for fifteen days after the receipt of the notification.
2. The rules which apply to the above mentioned persons serving within Canada will apply without change to those serving outside of Canada, Newfoundland and Jamaica except that:
  - (a) The transfer will not ordinarily be made until the individual can be transferred to a United States unit serving in the area in which he is located, and
  - (b) The option to apply for transfer will be exercisable within fifteen days after notice of the right to exercise it has appeared in the orders of the unit with which he is serving.
3. Representatives of Canada and of the United States will discuss with the authorities of Great Britain the transfer to the United States Forces of Royal Canadian Air Force personnel now serving in the Royal Air Force whose transfer might affect the efficiency of the Royal Air Force.

## III. UNITED STATES FORCES

1. The United States will accord the same right of transfer to Canadian citizens now serving in the United States Forces as is accorded United States citizens serving in the Canadian Forces.

In submitting the foregoing proposal, I may add that if an agreement in this sense is acceptable to the Canadian Government, this note and your reply thereto accepting the terms outlined shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT

*American Minister.*

## II

*The Secretary of State for External Affairs to the United States Minister*

Department  
of External Affairs  
OTTAWA

No. 33

March 20, 1942.

SIR,

I have the honour to refer to your Note of March 18, 1942, No. 629, proposing an agreement between the Governments of Canada and of the United States concerning the transfer to the Armed Forces of the United States of certain United States citizens and former United States citizens now serving in the Naval, Military or Air Forces of Canada.

I am glad to inform you in reply that the Canadian Government undertakes to give effect to the agreement set forth in your Note.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING

*Secretary of State for  
External Affairs.*









SEP 14 1942





CANADA

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TREATY SERIES, 1942

No. 6

RED CROSS

AND

PRISONERS OF WAR

CONVENTIONS

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CANADA

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RECUEIL DES TRAITÉS, 1942

N° 6

CONVENTIONS

RELATIVES À

LA CROIX-ROUGE

ET AUX

PRISONNIERS DE GUERRE



OTTAWA

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1942

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## I

# CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD\*

Concluded at Geneva August 22, 1864

(Translation)\*\*

The Swiss Confederation; His Royal Highness the Grand-Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse; His Majesty the King of Italy; His Majesty the King of The Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Württemberg,

Being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

(Names of Plenipotentiaries)\*\*\*

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

## ARTICLE I

Ambulances and Military hospitals shall be acknowledged to be neutral, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

## ARTICLE II

Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical services, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succour.

## ARTICLE III

The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfill their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

\* Article 31 of the revised Convention of July 6, 1906, provides:

"The present Convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting States.

"The Convention of 1864 remains in force in the relations between the parties who signed it, but who may not also ratify the present Convention."

Article 34 of the revised Convention of July 27, 1929, provides:

"The present Convention shall replace the Conventions of the 22nd August, 1864, and the 6th July, 1906, in relations between the High Contracting Parties."

The following parties to the 1864 Convention have ratified neither the 1906 nor the 1929 revised Conventions: The Argentine Republic, Panama, Persia (or Iran).

\*\*The original Convention is in the French language. The French text is, therefore, for all interpretation purposes the standard one. The English version printed here is taken from the proclamation of the President of the United States of America, July 26, 1882.

\*\*\*For these names see *British and Foreign State Papers*, vol. 55, p. 43, or Malloy's *Treaties between the United States and other Powers* (1776-1909), vol. 2, p. 1903.



## I

CONVENTION POUR L'AMÉLIORATION DU SORT DES MILITAIRES  
BLESSÉS OU MALADES DANS LES ARMÉES EN CAMPAGNE\*

Conclue à Genève le 22 août 1864\*\*

La Confédération Suisse; Son Altesse Royale le Grand-Duc de Bade; Sa Majesté le Roi des Belges; Sa Majesté le Roi de Danemark; Sa Majesté la Reine d'Espagne; Sa Majesté l'Empereur des Français; Son Altesse Royale le Grand-Duc de Hesse; Sa Majesté le Roi d'Italie; Sa Majesté le Roi des Pays-Bas; Sa Majesté le Roi de Portugal et des Algarves; Sa Majesté le Roi de Prusse; Sa Majesté le Roi de Wurtemberg,

Egalement animés du désir d'adoucir, autant qu'il dépend d'eux, les maux inséparables de la guerre, de supprimer les rigueurs inutiles, et d'améliorer le sort des militaires blessés sur les champs de bataille, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:

(Noms des Plénipotentiaires)\*\*\*

Lesquels, après avoir échangé leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:

## ARTICLE PREMIER

Les ambulances et les hôpitaux militaires seront reconnus neutres, et, comme tels, protégés et respectés par les belligérants aussi longtemps qu'il s'y trouvera des malades ou des blessés.

La neutralité cesserait si ces ambulances ou ces hôpitaux étaient gardés par une force militaire.

## ARTICLE II

Le personnel des hôpitaux et des ambulances, comprenant l'intendance, les services de santé, d'administration, de transport des blessés, ainsi que les aumôniers, participera au bénéfice de la neutralité lorsqu'il fonctionnera, et tant qu'il restera des blessés à relever ou à secourir.

## ARTICLE III

Les personnes désignées dans l'article précédent pourront, même après l'occupation par l'ennemi, continuer à remplir leurs fonctions dans l'hôpital ou l'ambulance qu'elles desservent, ou se retirer pour rejoindre le corps auquel elles appartiennent.

\*L'article 31 de la Convention révisée du 6 juillet 1906 porte:

"La présente Convention, dûment ratifiée, remplacera la Convention du 22 août 1864 dans les rapports entre les Etats contractants.

"La Convention de 1864 reste en vigueur dans les rapports entre les Parties qui l'ont signée et qui ne ratifieraient pas également la présente Convention."

L'Article 34 de la Convention révisée du 27 juillet 1929 porte:

"La présente Convention remplacera les Conventions du 22 août et du 6 juillet 1906 dans les rapports entre les Hautes Parties Contractantes."

Les Parties ci-après à la Convention de 1864 n'ont ratifié ni la Convention révisée de 1906 ni la Convention révisée de 1929: savoir: la République d'Argentine, Panama, et la Perse (ou Iran).

\*\*La version française est la seule authentique. Telle que reproduite ici elle est empruntée aux *British State and Foreign Papers*, vol. 55, p. 43.

\*\*\* Pour ces noms voir *opus cit.*, p. 43.



Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

#### ARTICLE IV

As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

#### ARTICLE V

Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

#### ARTICLE VI

Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy, soldiers who have been wounded in an engagement when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

#### ARTICLE VII

A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (*brassard*) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

#### ARTICLE VIII

The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

#### ARTICLE IX

The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

Dans ces circonstances, lorsque ces personnes cesseront leurs fonctions, elles seront remises aux avant-postes ennemis, par les soins de l'armée occupante.

#### ARTICLE IV

Le matériel des hôpitaux militaires demeurant soumis aux lois de la guerre, les personnes attachées à ces hôpitaux ne pourront, en se retirant, emporter que les objets qui sont leur propriété particulière.

Dans les mêmes circonstances, au contraire, l'ambulance conservera son matériel.

#### ARTICLE V

Les habitants du pays qui porteront secours aux blessés seront respectés et demeureront libres. Les généraux des Puissances belligérantes auront pour mission de prévenir les habitants de l'appel fait à leur humanité, et de la neutralité qui en sera la conséquence.

Tout blessé recueilli et soigné dans une maison y servira de sauvegarde. L'habitant qui aura recueilli chez lui des blessés sera dispensé du logement des troupes, ainsi que d'une partie des contributions de guerre qui seraient imposées.

#### ARTICLE VI

Les militaires blessés ou malades seront recueillis et soignés, à quelque nation qu'ils appartiennent.

Les Commandants-en-chef auront la faculté de remettre immédiatement aux avant-postes ennemis les militaires ennemis blessés pendant le combat, lorsque les circonstances le permettront, et du consentement des deux parties.

Seront renvoyés dans leur pays ceux qui, après guérison, seront reconnus incapables de servir.

Les autres pourront être également renvoyés, à la condition de ne pas reprendre les armes pendant la durée de la guerre.

Les évacuations, avec le personnel qui les dirige, seront couvertes par une neutralité absolue.

#### ARTICLE VII

Un drapeau distinctif et uniforme sera adopté pour les hôpitaux, les ambulances et les évacuations. Il devra être, en toute circonstance, accompagné du drapeau national.

Un brassard sera également admis pour le personnel neutralisé, mais la délivrance en sera laissée à l'autorité militaire.

Le drapeau et le brassard porteront croix-rouge sur fond blanc.

#### ARTICLE VIII

Les détails d'exécution de la présente Convention seront réglés par les Commandants-en-chef des armées belligérantes, d'après les instructions de leurs Gouvernements respectifs, et conformément aux principes généraux énoncés dans cette Convention.

#### ARTICLE IX

Les Hautes Puissances Contractantes sont convenues de communiquer la présente Convention aux Gouvernements qui n'ont pu envoyer des Plénipotentiaires à la Conférence internationale de Genève, en les invitant à y accéder; le protocole est à cet effet laissé ouvert.



ARTICLE X

The present Convention shall be ratified, and the ratifications shall be exchanged at Berne in four months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August of the year one thousand eight hundred and sixty-four.

(The signature follows of the Plenipotentiaries for Baden, Belgium, Denmark, France, Hesse, Italy, The Netherlands, Portugal, Prussia, Spain, Switzerland, Würtemberg.)

CONVENTION OF 1864 FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD

COUNTRIES	Signature	Ratification	Accession
*Argentine Republic.....			Nov. 25, 1879
Austria.....			July 21, 1866
Baden.....	Aug. 22, 1864	Dec. 16, 1864	
Bavaria.....			June 30, 1866
Belgium.....	Aug. 22, 1864	Oct. 14, 1864	
Bolivia.....			Oct. 16, 1879
Brazil.....			Jan. 26, 1907
Bulgaria.....			Mar. 1, 1884
Chile.....			Nov. 15, 1879
China.....			June 29, 1904
Colombia.....			June 7, 1906
Congo Free State.....			Dec. 27, 1888
Corea.....			Jan. 8, 1903
Cuba.....			July 6, 1907
Denmark.....	Aug. 22, 1864	Dec. 15, 1864	
Dominican Republic.....			July 6, 1907
Ecuador.....			Aug. 3, 1907
France.....	Aug. 22, 1864	Sept. 22, 1864	
Great Britain.....			Feb. 18, 1865
Greece.....			Jan. 17, 1865
Guatemala.....			Mar. 24, 1903
Haiti.....			July 6, 1907
Hesse.....	Aug. 22, 1864		July 22, 1866
Honduras.....			May 16, 1898
Italy.....	Aug. 22, 1864	Dec. 4, 1864	
Japan.....			June 11, 1886
Luxembourg.....			Oct. 5, 1888
Mecklenbourg-Schwerin.....			Mar. 9, 1865
Mexico.....			Mar. 13, 1905
Montenegro.....			June 24, 1905
Netherlands.....	Aug. 22, 1864	Nov. 29, 1864	
Nicaragua.....			June 28, 1898
Norway (see Sweden).....			
Orange Free State.....			Sept. 28, 1899
*Panama.....			July 29, 1907
Paraguay.....			July 6, 1907
*Persia.....			Dec. 5, 1874
Peru.....			April 22, 1880
Pontifical States.....			May 9, 1868
Portugal.....	Aug. 22, 1864		Aug. 9, 1866
Prussia.....			Jan. 4, 1865
Roumania.....			Nov. 30, 1874
Russia.....			Mar. 22, 1867
Salvador.....			Dec. 30, 1874
Saxony.....			Oct. 25, 1866
Serbia.....			Mar. 24, 1876
Siam.....			June 29, 1895
South African Republic.....			Sept. 28, 1896
Spain.....	Aug. 22, 1864	Dec. 5, 1864	
Sweden & Norway.....			Dec. 13, 1864
Switzerland.....	Aug. 22, 1864	Oct. 1, 1864	
Turkey.....			July 5, 1865
United States of America.....			Mar. 1, 1882
Uruguay.....			May 3, 1900
Venezuela.....			May 28, 1894
Würtemberg.....	Aug. 22, 1864		June 2, 1866

\*The adhering States which still exist and which have not ratified nor acceded to the revised Conventions of 1906 and 1929 are marked with an asterisk.



ARTICLE X

La présente Convention sera ratifiée, et les ratifications en seront échangées à Berne dans l'espace de quatre mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Genève, le vingt-deuxième jour du mois d'août de l'an mil huit cent soixante-quatre.

(Suit la signature des Plénipotentiaires pour Bade, la Belgique, le Danemark, l'Espagne, la France, Hesse, l'Italie, les Pays-Bas, le Portugal, la Prusse, la Suisse et le Wurtemberg.)

CONVENTION DE 1864 POUR L'AMÉLIORATION DU SORT DES MILITAIRES BLESSÉS OU MALADES DANS LES ARMÉES EN CAMPAGNE

PAYS	Signature	Ratification	Accession
Afrique du Sud			28 sept. 1896
*Argentine			25 nov. 1879
Autriche			21 juillet 1866
Bade	22 août 1864	16 déc. 1864	
Bavière			30 juin 1866
Belgique	22 août 1864	14 oct. 1864	
Bolivie			16 oct. 1879
Brésil			26 jan. 1907
Bulgarie			1 mars 1884
Chili			15 nov. 1879
Chine			29 juin 1904
Colombie			7 juin 1906
Congo (Etat Libre du)			27 déc. 1888
Corée			8 jan. 1903
Cuba			6 juillet 1907
Danemark	22 août 1864	15 déc. 1864	
Dominicaine (République)			6 juillet 1907
Equateur			3 août 1907
Espagne	22 août 1864	5 déc. 1864	
Etats-Unis d'Amérique			1 mars 1882
France	22 août 1864	22 sept. 1864	
Grande Bretagne			18 fév. 1865
Grèce			17 jan. 1865
Guatemala			24 mars 1903
Haïti			6 juillet 1907
Hesse	22 août 1864		22 juillet 1866
Honduras			16 mai 1898
Italie	22 août 1864	4 déc. 1864	
Japon			11 juin 1886
Luxembourg			5 oct. 1888
Mecklenbourg-Schwerin			9 mars 1865
Mexique			13 mars 1905
Monténégro			24 juin 1905
Nicaragua			28 juin 1898
Norvège (voir Suède).			
Orange (Etat Libre d')			28 sept. 1899
*Panama			29 juillet 1907
Paraguay			6 juillet 1907
Pays-Bas	22 août 1864	29 nov. 1864	
Pérou			5 déc. 1874
Perse			22 avril 1880
Pontificaux (Etats)			9 mai 1868
Portugal	22 août 1864		9 août 1866
Prusse			4 jan. 1865
Roumanie			30 nov. 1874
Russie			22 mars 1867
Salvador			30 déc. 1874
Saxe			25 oct. 1866
Serbie			24 mars 1876
Siam			29 juin 1895
Suède et Norvège			13 déc. 1864
Suisse	22 août 1864	1 oct. 1864	
Turquie			5 juillet 1865
Uruguay			3 mai 1900
Vénézuéla			28 mai 1894
Wurtemberg	22 août 1864		2 juin 1866

\*Les Etats qui existent encore et qui n'ont adhéré ni à la Convention révisée de 1906 ni à celle de 1929 sont marqués d'un astérisque.

## II

**CONVENTION FOR ADAPTING TO MARITIME WARFARE THE  
PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864\***

**Concluded at The Hague, July 29, 1899\*\***

*(Translation)\*\*\**

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain, and in His Name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United States of Mexico; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; and his Royal Highness the Prince of Bulgaria,

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a Convention to this effect;

They have, in consequence, appointed as their Plenipotentiaries, to wit:

(Names of Plenipotentiaries)\*\*\*

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

**ARTICLE I**

Military hospital-ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick, or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

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\*The Convention was revised at The Hague, October 18, 1907. Great Britain signed the revised Convention but did not ratify it.

The revised Convention provides (Art. XXV):

"The present Convention, duly ratified, shall replace as between Contracting Powers the Convention of the 29th July, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

"The Convention of 1899 remains in force as between the Powers which signed it, but which do not also ratify the present Convention."

\*\*The original Convention is in the French language. The English version printed here is taken from *British Treaty Series* 1901, No. 10.

\*\*\*For these names, see *op. cit.*, *ibid.*



## II

CONVENTION POUR L'ADAPTATION À LA GUERRE MARITIME DES  
PRINCIPES DE LA CONVENTION DE GENÈVE DU 22 AOÛT 1864\*

Conclue à La Haye, le 29 juillet 1899\*\*

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne, et en son nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Shah de Perse; Sa Majesté le Roi de Portugal et des Algarves, &c.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans; et Son Altesse Royale le Prince de Bulgarie,

Egalement animés du désir de diminuer autant qu'il dépend d'eux les maux inséparables de la guerre et voulant dans ce but adapter à la guerre maritime les principes de la Convention de Genève du 22 août 1864, ont résolu de conclure une Convention à cet effet;

Ils ont en conséquence nommé pour leurs Plénipotentiaires, savoir:

(Noms des Plénipotentiaires),\*\*\*

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

## ARTICLE I

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les Etats spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au point de vue de leur séjour dans un port neutre.

\*La Convention fut révisée à La Haye, le 18 octobre 1907. La Convention révisée a été signée mais non ratifiée par la Grande-Bretagne.

La Convention révisée porte (Art. XXV):

"La présente Convention, dûment ratifiée, remplacera dans les rapports entre les Puissances Contractantes la Convention du 29 juillet 1899 pour l'adaptation à la guerre maritime des principes de la Convention de Genève.

"La Convention de 1899 reste en vigueur dans les rapports entre les Puissances qui l'ont signée et qui ne ratifieraient pas également la présente Convention".

\*\*Le texte français de la Convention reproduit ici est emprunté à *British Treaty Series* 1901. N° 10.

\*\*\*Pour ces noms voir *op. cit. ibid.*



## ARTICLE II

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially-recognized Relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

## ARTICLE III

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially-recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

## ARTICLE IV

The ships mentioned in Articles I, II and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

## ARTICLE V

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a-half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a meter and a-half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital-ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross, provided by the Geneva Convention.

## ARTICLE VI

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

## ARTICLE II

Les bâtiments-hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des Sociétés de Secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

## ARTICLE III

Les bâtiments-hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des Sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, si la Puissance neutre dont ils dépendent leur a donné une commission officielle et en a notifié les noms aux Puissances belligérantes à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

## ARTICLE IV

Les bâtiments qui sont mentionnés dans les Articles I, II, et III, porteront secours et assistance aux blessés, malades, et naufragés des belligérants sans distinction de nationalité.

Les Gouvernements s'engagent à n'utiliser ces bâtiments pour aucun but militaire.

Ces bâtiments ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée, et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal de bord des bâtiments-hospitaliers les ordres qu'ils leur donneront.

## ARTICLE V

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les Articles II et III seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments-hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix rouge prévu par la Convention de Genève.

## ARTICLE VI

Les bâtiments de commerce, yachts, ou embarcations neutres, portant ou recueillant des blessés, des malades, ou des naufragés des belligérants, ne peuvent être capturés pour le fait de ce transport, mais ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.



## ARTICLE VII

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

## ARTICLE VIII

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

## ARTICLE IX

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

## ARTICLE X\*

(The shipwrecked, wounded, or sick, who are landed at a neutral port with the consent of the local authorities, must, failing a contrary arrangement between the neutral State and the belligerents, be guarded by the neutral State, so that they may not be again able to take part in the military operations.

(The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, wounded, or sick belong.)

## ARTICLE XI

The rules contained in the above articles are binding only on the contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

## ARTICLE XII

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

## ARTICLE XIII

The non-signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

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\* Germany, Great Britain, Turkey and the United States signed the Convention with reservation of Article X. It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article X from all ratifications of the Convention.



## ARTICLE VII

Le personnel religieux, médical, et hospitalier de tout bâtiment capturé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire et il pourra ensuite se retirer lorsque le Commandant-en-chef le jugera possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains la jouissance intégrale de son traitement.

## ARTICLE VIII

Les marins et les militaires embarqués blessés ou malades, à quelque nation qu'ils appartiennent, seront protégés et soignés par les capteurs.

## ARTICLE IX

Sont prisonniers de guerre les naufragés, blessés, ou malades d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre, ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de la guerre.

## ARTICLE X\*

(Les naufragés, blessés ou malades qui sont débarqués dans un port neutre, du consentement de l'autorité locale, devront, à moins d'un arrangement contraire de l'Etat neutre avec les Etats belligérants, être gardés par l'Etat neutre de manière qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.

Les frais d'hospitalisation et d'internement seront supportés par l'Etat dont relèvent les naufragés, blessés, ou malades.)

## ARTICLE XI

Les règles contenues dans les Articles ci-dessus ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Les dites règles cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

## ARTICLE XII

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

## ARTICLE XIII

Les Puissances non signataires qui auront accepté la Convention de Genève du 22 août 1864 sont admises à adhérer à la présente Convention.

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\* L'Allemagne, la Grande-Bretagne, la Turquie et les Etats-Unis d'Amérique signèrent la Convention sous réserve de l'Article X. Il fut par la suite convenu, après accord intervenu entre le Gouvernement des Pays-Bas et les Puissances signataires, d'exclure l'Article X de toutes les ratifications de la Convention.

For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

#### ARTICLE XIV

In the event of one of the high contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

This denunciation shall only affect the notifying Power.

IN FAITH OF WHICH the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

DONE at the Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

(The signature follows of the Plenipotentiaries for Austria-Hungary, Belgium, Bulgaria, China, Denmark, France, Germany (under reservation of Article X), Great Britain and Ireland (under same reservation), Greece, Italy, Japan, Luxembourg, Mexico, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Serbia, Siam, Spain, Sweden and Norway, Switzerland, Turkey (under same reservation), United States of America.)

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

#### ARTICLE XIV

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

EN FOI DE QUOI les Plénipotentiaires ont signé la présente Convention, et l'ont revêtue de leurs cachets.

FAIT à La Haye, le vingt-neuf juillet mil huit cent quatre-vingt-dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

(Suit la signature des Plénipotentiaires pour l'Autriche-Hongrie, la Belgique, la Bulgarie, la Chine, le Danemark, l'Espagne, la France, l'Allemagne (sous réserve de l'Article X), la Grande-Bretagne et l'Irlande (sous réserve du même Article), la Grèce, l'Italie, le Japon, le Luxembourg, le Mexique, le Monténégro, les Pays-Bas, la Perse, le Portugal, la Roumanie, la Russie, la Serbie, le Siam, la Suède et la Norvège, la Suisse, la Turquie (sous réserve du même Article), et les Etats-Unis d'Amérique).



CONVENTION OF 1899 FOR ADAPTING TO MARITIME WARFARE THE PRINCIPLES  
OF THE GENEVA CONVENTION OF AUGUST 22, 1864

COUNTRIES	Signature	Ratification	Accession
Argentine Republic.....			June 17, 1907
Austria-Hungary.....	July 29, 1899	Sept. 4, 1900	
Belgium.....	July 29, 1899	Sept. 4, 1900	
Bolivia.....			Feb. 7, 1907
Brazil.....			Feb. 25, 1907
Bulgaria.....	July 29, 1899	Sept. 4, 1900	
Chile.....			June 19, 1907
China.....	July 29, 1899	Nov. 21, 1904	
Colombia.....			Jan. 30, 1907
Corea.....			Feb. 7, 1903
Cuba.....			June 29, 1907
Denmark.....	July 29, 1899	Sept. 4, 1900	
Dominican Republic.....			June 29, 1907
Ecuador.....			Aug. 5, 1907
France.....	July 29, 1899	Sept. 4, 1900	
*Germany.....	July 29, 1899	Sept. 4, 1900	
*Great Britain and Ireland.....	July 29, 1899	Sept. 4, 1900	
Greece.....	July 29, 1899	April 4, 1901	
Guatemala.....			April 6, 1903
Haiti.....			June 29, 1907
Honduras.....			Aug. 21, 1906
Italy.....	July 29, 1899	Sept. 4, 1900	
Japan.....	July 29, 1899	Oct. 6, 1900	
Luxembourg.....	July 29, 1899	July 12, 1901	
Mexico.....	July 29, 1899	April 17, 1901	
Montenegro.....	July 29, 1899	Oct. 16, 1900	
Netherlands.....	July 29, 1899	Sept. 4, 1900	
Nicaragua.....			May 17, 1907
Norway ( <i>see</i> Sweden).			
Panama.....			July 22, 1907
Paraguay.....			June 29, 1907
Persia.....	July 29, 1899	Sept. 4, 1900	
Peru.....			Nov. 24, 1903
Portugal.....	July 29, 1899	Sept. 4, 1900	
Roumania.....	July 29, 1899	Sept. 4, 1900	
Russia.....	July 29, 1899	Sept. 4, 1900	
Salvador.....			June 20, 1902
Serbia.....	July 29, 1899	May 11, 1901	
Siam.....	July 29, 1899	Sept. 4, 1900	
Spain.....	July 29, 1899	Sept. 4, 1900	
Sweden and Norway.....	July 29, 1899	Sept. 4, 1900	
Switzerland.....	July 29, 1899	Dec. 29, 1900	
*Turkey.....	July 29, 1899	June 12, 1907	
Uruguay.....			June 21, 1906
*United States of America.....	July 29, 1899	Sept. 4, 1900	
Venezuela.....			Mar. 1, 1907

\*Germany, Great Britain, Turkey and the United States signed under reservation of Article X. It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article X from all ratifications of the Convention.

CONVENTION DE 1899 POUR L'ADAPTATION À LA GUERRE MARITIME DES PRINCIPES DE LA CONVENTION DE GENÈVE DU 22 AOUT 1864

PAYS	Signature	Ratification	Accession
*Allemagne.....	29 juillet 1899	4 sept. 1900	17 juillet 1907
Argentine.....			
Autriche-Hongrie.....	29 juillet 1899	4 sept. 1900	
Belgique.....	29 juillet 1899	4 sept. 1900	
Bolivie.....			7 fév. 1907
Brésil.....			25 fév. 1907
Bulgarie.....	29 juillet 1899	4 sept. 1900	
Chili.....			19 juin 1907
Chine.....	29 juillet 1899	21 nov. 1904	
Colombie.....			30 janv. 1907
Corée.....			7 fév. 1903
Cuba.....			29 juin 1907
Danemark.....	29 juillet 1899	4 sept. 1900	
Dominicaine (République).....			29 juin 1907
Equateur.....			5 août 1907
Espagne.....	29 juillet 1899	4 sept. 1900	
*Etats-Unis d'Amérique.....	29 juillet 1899	4 sept. 1900	
France.....	29 juillet 1899	4 sept. 1900	
*Grande Bretagne.....	29 juillet 1899	4 sept. 1900	
Grèce.....	29 juillet 1899	4 avril 1901	
Guatémala.....			6 avril 1903
Haiti.....			29 juin 1907
Honduras.....			21 août 1906
Italie.....	29 juillet 1899	4 sept. 1900	
Japon.....	29 juillet 1899	6 oct. 1900	
Luxembourg.....	29 juillet 1899	12 juillet 1901	
Mexique.....	29 juillet 1899	17 avril 1901	
Monténégro.....	29 juillet 1899	16 oct. 1900	
Nicaragua.....			17 mai 1907
Norvège (voir Suède).....			
Panama.....			22 juillet 1907
Paraguay.....			29 juin 1907
Pays-Bas.....	29 juillet 1899	4 sept. 1900	
Pérou.....			24 nov. 1903
Perse.....	29 juillet 1899	4 sept. 1900	
Portugal.....	29 juillet 1899	4 sept. 1900	
Roumanie.....	29 juillet 1899	4 sept. 1900	
Russie.....	29 juillet 1899	4 sept. 1900	
Salvador.....			20 juin 1902
Serbie.....	29 juillet 1899	11 mai 1901	
Siam.....	29 juillet 1899	4 sept. 1900	
Suède et Norvège.....	29 juillet 1899	4 sept. 1900	
Suisse.....	29 juillet 1899	4 sept. 1900	
*Turquie.....	29 juillet 1899	12 juin 1907	
Uruguay.....			21 juin 1906
Vénézuéla.....			1 mars 1907

\*L'Allemagne, la Grande-Bretagne, la Turquie et les Etats-Unis signèrent la Convention sous réserve de l'Article X. Il fut par la suite convenu, après accord intervenu entre le Gouvernement des Pays-Bas et les Puissances signataires, d'exclure l'Article X de toutes les ratifications de la Convention.

## III

**CONVENTION RESPECTING BOMBARDMENTS BY NAVAL FORCES  
IN TIME OF WAR (Passim)\*****Concluded at The Hague, October 18, 1907***(Translation)*

## ARTICLE 5

In bombardments by naval forces all necessary steps must be taken by the commander to spare as far as possible buildings dedicated to public worship, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, provided that they are not used at the time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two painted triangular portions, the upper portion black, the lower portion white.

## ARTICLE 8

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

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\* For the text in full of the Convention see *British Treaty Series* 1910, No. 13.



## III

**CONVENTION CONCERNANT LE BOMBARDEMENT PAR DES FORCES  
NAVALES EN TEMPS DE GUERRE (Passim)\*****Conclue à La Haye, le 18 octobre 1907**

## ARTICLE 5

Dans le bombardement par des forces navales, toutes les mesures nécessaires doivent être prises par le commandant pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les monuments historiques, les hôpitaux et les lieux de rassemblement de malades ou de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

Le devoir des habitants est de désigner ces monuments, ces édifices ou lieux de rassemblement, par des signes visibles, qui consisteront en grands panneaux rectangulaires rigides, partagés, suivant une des diagonales, en deux triangles de couleur, noire en haut et blanche en bas.

## ARTICLE 8

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

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\* Pour le texte intégral de la Convention, soit en français soit en anglais, voir *British Treaty Series* 1910, n. 13.

CONVENTION RESPECTING BOMBARDMENTS BY NAVAL FORCES IN  
TIME OF WAR (1907)

COUNTRIES	Signature	Ratification	Accession
Argentine Republic.....	Oct. 18, 1907		
Austria-Hungary.....	Oct. 18, 1907	Nov. 27, 1909	
Belgium.....	Oct. 18, 1907	Aug. 8, 1910	
Bolivia.....	Oct. 18, 1907	Nov. 27, 1909	
Brazil.....	Oct. 18, 1907	Jan. 5, 1914	
Bulgaria.....	Oct. 18, 1907		
*Chile.....	Oct. 18, 1907		
China.....			Jan. 15, 1910
Colombia.....	Oct. 18, 1907		
Cuba.....	Oct. 18, 1907	Feb. 22, 1912	
Denmark.....	Oct. 18, 1907	Nov. 27, 1909	
Dominican Republic.....	Oct. 18, 1907		
Ecuador.....	Oct. 18, 1907		
Ethiopia.....			Aug. 5, 1935
Finland.....			June 9, 1922
†France.....	Oct. 18, 1907	Oct. 7, 1910	
†Germany.....	Oct. 18, 1907	Nov. 27, 1909	
†Great Britain.....	Oct. 18, 1907	Nov. 27, 1909	
Greece.....	Oct. 18, 1907		
Guatemala.....	Oct. 18, 1907	Mar. 15, 1911	
Haiti.....	Oct. 18, 1907	Feb. 2, 1910	
Italy.....	Oct. 18, 1907		
†Japan.....	Oct. 18, 1907	Dec. 13, 1911	
Liberia.....			Feb. 4, 1914
Luxembourg.....	Oct. 18, 1907	Sept. 5, 1912	
Mexico.....	Oct. 18, 1907	Nov. 27, 1909	
Montenegro.....	Oct. 18, 1907		
Netherlands.....	Oct. 18, 1907	Nov. 27, 1909	
Nicaragua.....			Dec. 16, 1909
Norway.....	Oct. 18, 1907	Sept. 19, 1910	
Panama.....	Oct. 18, 1907	Sept. 11, 1911	
Paraguay.....	Oct. 18, 1907		
Persia.....	Oct. 18, 1907		
Peru.....	Oct. 18, 1907		
Poland.....			May 31, 1935
Portugal.....	Oct. 18, 1907	April 13, 1911	
Roumania.....	Oct. 18, 1907	Mar. 1, 1912	
Russia.....	Oct. 18, 1907	Nov. 27, 1909	
Salvador.....	Oct. 18, 1907	Nov. 27, 1909	
Serbia.....	Oct. 18, 1907		
Siam.....	Oct. 18, 1907	Mar. 12, 1910	
Spain.....			Feb. 24, 1913
Sweden.....	Oct. 18, 1907	Nov. 27, 1909	
Switzerland.....	Oct. 18, 1907	May 12, 1910	
Turkey.....	Oct. 18, 1907		
Uruguay.....	Oct. 18, 1907		
United States of America.....	Oct. 18, 1907	Nov. 27, 1909	
Venezuela.....	Oct. 18, 1907		

\*Signed under the reservation of Article 3 made at the 4th plenary meeting held August 17, 1907.  
†Signed and ratified under reservation of Article 1, paragraph 2.

CONVENTION CONCERNANT LE BOMBARDEMENT PAR LES FORCES NAVALES  
EN TEMPS DE GUERRE (1907)

PAYS	Signature	Ratification	Accession
†Allemagne.....	18 oct. 1907	27 nov. 1909	.....
Argentine.....	18 oct. 1907	.....	.....
Autriche-Hongrie.....	18 oct. 1907	27 nov. 1909	.....
Belgique.....	18 oct. 1907	8 août 1910	.....
Bolivie.....	18 oct. 1907	27 nov. 1909	.....
Brésil.....	18 oct. 1907	5 janv. 1914	.....
Bulgarie.....	18 oct. 1907	.....	.....
*Chili.....	18 oct. 1907	.....	.....
Chine.....	.....	.....	15 janv. 1910
Colombie.....	18 oct. 1907	.....	.....
Cuba.....	18 oct. 1907	22 fév. 1912	.....
Danemark.....	18 oct. 1907	27 nov. 1909	.....
Dominicaine (République).....	18 oct. 1907	.....	.....
Equateur.....	18 oct. 1907	.....	.....
Etats-Unis d'Amérique.....	18 oct. 1907	27 nov. 1909	.....
Ethiopie.....	.....	.....	5 août 1935
Finlande.....	.....	.....	9 juin 1922
†France.....	18 oct. 1907	7 oct. 1910	.....
†Grande-Bretagne.....	18 oct. 1907	27 nov. 1909	.....
Grèce.....	18 oct. 1907	.....	.....
Guatemala.....	18 oct. 1907	15 mars 1911	.....
Haïti.....	18 oct. 1907	2 fév. 1910	.....
Italie.....	18 oct. 1907	.....	.....
†Japon.....	18 oct. 1907	13 déc. 1911	.....
Libéria.....	.....	.....	4 fév. 1914
Luxembourg.....	18 oct. 1970	5 sept. 1912	.....
Mexique.....	18 oct. 1907	27 nov. 1909	.....
Monténégro.....	18 oct. 1907	.....	.....
Nicaragua.....	.....	.....	16 déc. 1909
Norvège.....	18 oct. 1907	19 sept. 1910	.....
Panama.....	18 oct. 1907	11 sept. 1911	.....
Paraguay.....	18 oct. 1907	.....	.....
Pays-Bas.....	18 oct. 1907	27 nov. 1909	.....
Perse.....	18 oct. 1907	.....	.....
Pérou.....	18 oct. 1907	.....	.....
Pologne.....	.....	.....	31 mai 1935
Portugal.....	18 oct. 1907	13 avril 1911	.....
Roumanie.....	18 oct. 1907	1 mars 1912	.....
Russie.....	18 oct. 1907	27 nov. 1909	.....
Salvador.....	18 oct. 1907	27 nov. 1909	.....
Serbie.....	18 oct. 1907	.....	.....
Siam.....	18 oct. 1907	12 mars 1910	.....
Suède.....	18 oct. 1907	27 nov. 1909	.....
Suisse.....	18 oct. 1907	12 mai 1910	.....
Turquie.....	18 oct. 1907	.....	.....
Uruguay.....	18 oct. 1907	.....	.....
Vénézuéla.....	18 oct. 1907	.....	.....

\*Signa sous réserve de l'Article 3 faite à la 4ème séance plénière de la Conférence tenue le 17 août 1907.  
†Signa et ratifia sous réserve du paragraphe 2 de l'Article 1.



## IV

**CONVENTION RELATIVE TO CERTAIN RESTRICTIONS ON THE  
EXERCISE OF THE RIGHT OF CAPTURE IN MARITIME WAR (Passim)\*****Concluded at The Hague, October 18, 1907***(Translation)***CHAPTER III.—*Regulations regarding the Crews of Enemy  
Merchant-ships Captured by a Belligerent*****ARTICLE 5**

When an enemy merchant-ship is captured by a belligerent, such of its crew as are subjects or citizens of a neutral State are not made prisoners of war.

The same principle applies in the case of the captain and officers, likewise subjects or citizens of a neutral State, if they give a formal undertaking in writing not to serve on an enemy ship while the war lasts.

**ARTICLE 6**

The captain, officers, and members of the crew, if subjects or citizens of the enemy State, are not made prisoners of war, provided that they undertake, on the faith of a written promise, not to engage, while hostilities last, in any service connected with the operations of the war.

**ARTICLE 7**

The names of the persons retaining their liberty under the conditions laid down in Article 5, in the second paragraph, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

**ARTICLE 8**

The provisions of the three preceding Articles do not apply to ships taking part in hostilities.

**CHAPTER IV.—*Final Provisions*****ARTICLE 9**

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

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\* For the text in full see *British Treaty Series* 1910, No. 14.

## IV

CONVENTION RELATIVE À CERTAINES RESTRICTIONS À L'EXERCICE  
DU DROIT DE CAPTURE DANS LA GUERRE  
MARITIME (Passim)\*

Conclue à La Haye, le 18 octobre 1907

CHAPITRE III.—*Du Régime des Equipages des Navires de Commerce  
Ennemis Capturés par un Belligérant*

## ARTICLE 5

Lorsqu'un navire de commerce ennemi est capturé par un belligérant, les hommes de son équipage, nationaux d'un Etat neutre, ne sont pas faits prisonniers de guerre.

Il en est de même du capitaine et des officiers, également nationaux d'un Etat neutre, s'ils promettent formellement par écrit de ne pas servir sur un navire ennemi pendant la durée de la guerre.

## ARTICLE 6

Le capitaine, les officiers et les membres de l'équipage, nationaux de l'Etat ennemi, ne sont pas faits prisonniers de guerre, à condition qu'ils s'engagent, sous la foi d'une promesse formelle écrite, à ne prendre, pendant la durée des hostilités, aucun service ayant rapport avec les opérations de la guerre.

## ARTICLE 7

Les noms des individus laissés libres dans les conditions visées à l'Article 5, alinéa 2 et à l'Article 6, sont notifiés par le belligérant capteur à l'autre belligérant. Il est interdit à ce dernier d'employer sciemment lesdits individus.

## ARTICLE 8

Les dispositions des trois Articles précédents ne s'appliquent pas aux navires qui prennent part aux hostilités.

CHAPITRE IV.—*Dispositions finales*

## ARTICLE 9

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

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\* Pour le texte intégral de la Convention en français et en anglais voir *British Treaty Series* 1910, n. 14.

CONVENTION RELATIVE TO CERTAIN RESTRICTIONS ON THE EXERCISE OF  
THE RIGHT OF CAPTURE IN MARITIME WAR (1907)

COUNTRIES	Signature	Ratification	Accession
Argentine Republic.....	Oct. 18, 1907		
Austria-Hungary.....	Oct. 18, 1907	Nov. 27, 1909	
Belgium.....	Oct. 18, 1907	Aug. 8, 1910	
Bolivia.....	Oct. 18, 1907		
Brazil.....	Oct. 18, 1907	Jan. 5, 1914	
Bulgaria.....	Oct. 18, 1907		
Chile.....	Oct. 18, 1907		
China.....			May 10, 1917
Colombia.....	Oct. 18, 1907		
Cuba.....	Oct. 18, 1907		
Denmark.....	Oct. 18, 1907	Nov. 27, 1909	
Dominican Republic.....	Oct. 18, 1907		
Ecuador.....	Oct. 18, 1907		
Ethiopia.....			Aug. 5, 1935
Finland.....			June 9, 1922
France.....	Oct. 18, 1907	Oct. 7, 1910	
Germany.....	Oct. 18, 1907	Nov. 27, 1909	
Great Britain.....	Oct. 18, 1907	Nov. 27, 1909	
Greece.....	Oct. 18, 1907		
Guatemala.....	Oct. 18, 1907	Mar. 15, 1911	
Haiti.....	Oct. 18, 1907	Feb. 2, 1910	
Italy.....	Oct. 18, 1907		
Japan.....	Oct. 18, 1907	Dec. 13, 1911	
Liberia.....			Feb. 4, 1914
Luxembourg.....	Oct. 18, 1907	Sept. 5, 1912	
Mexico.....	Oct. 18, 1907	Nov. 27, 1909	
Netherlands.....	Oct. 18, 1907	Nov. 27, 1909	
Nicaragua.....			Dec. 16, 1909
Norway.....	Oct. 18, 1907	Sept. 19, 1910	
Panama.....	Oct. 18, 1907	Sept. 11, 1911	
Paraguay.....	Oct. 18, 1907		
Persia.....	Oct. 18, 1907		
Peru.....	Oct. 18, 1907		
Poland.....			May 31, 1935
Portugal.....	Oct. 18, 1907	April 13, 1911	
Roumania.....	Oct. 18, 1907	Mar. 1, 1912	
Salvador.....	Oct. 18, 1907	Nov. 27, 1909	
Serbia.....	Oct. 18, 1907		
Siam.....	Oct. 18, 1907	Mar. 12, 1910	
Spain.....	Oct. 18, 1907	Mar. 18, 1913	
Sweden.....	Oct. 18, 1907	Nov. 27, 1909	
Switzerland.....	Oct. 18, 1907	May 12, 1910	
Turkey.....	Oct. 18, 1907		
United States of America.....	Oct. 18, 1907	Nov. 27, 1909	
Uruguay.....	Oct. 18, 1907		
Venezuela.....	Oct. 18, 1907		



CONVENTION RELATIVE À CERTAINES RESTRICTIONS À L'EXERCICE DU  
DROIT DE CAPTURE DANS LA GUERRE MARITIME (1907)

PAYS	Signature	Ratification	Accession
Allemagne.....	18 oct. 1907	27 nov. 1909	.....
Argentine.....	18 oct. 1907	.....	.....
Autriche-Hongrie.....	18 oct. 1907	27 nov. 1909	.....
Belgique.....	18 oct. 1907	8 août 1910	.....
Bolivie.....	18 oct. 1907	.....	.....
Brésil.....	18 oct. 1907	5 janv. 1914	.....
Bulgarie.....	18 oct. 1907	.....	.....
Chili.....	18 oct. 1907	.....	.....
Chine.....	.....	.....	10 mai 1917
Colombie.....	18 oct. 1907	.....	.....
Cuba.....	18 oct. 1907	.....	.....
Danemark.....	18 oct. 1907	27 nov. 1909	.....
Dominicaine (République).....	18 oct. 1907	.....	.....
Espagne.....	18 oct. 1907	18 mars 1913	.....
Etats-Unis d'Amérique.....	18 oct. 1907	27 nov. 1909	.....
Ethiopie.....	.....	.....	5 août 1935
Equateur.....	18 oct. 1907	.....	.....
Finlande.....	.....	.....	9 juin 1922
France.....	18 oct. 1907	7 oct. 1910	.....
Grande-Bretagne.....	18 oct. 1907	27 nov. 1909	.....
Grèce.....	18 oct. 1907	.....	.....
Guatemala.....	18 oct. 1907	15 mars 1911	.....
Haiti.....	18 oct. 1907	2 fév. 1910	.....
Italie.....	18 oct. 1907	.....	.....
Japon.....	18 oct. 1907	13 déc. 1911	.....
Libéria.....	.....	.....	4 fév. 1914
Luxembourg.....	18 oct. 1907	5 sept. 1912	.....
Mexique.....	18 oct. 1907	27 nov. 1909	.....
Nicaragua.....	.....	.....	16 déc. 1909
Norvège.....	18 oct. 1907	19 sept. 1910	.....
Panama.....	18 oct. 1907	11 sept. 1911	.....
Paraguay.....	18 oct. 1907	.....	.....
Pays-Bas.....	18 oct. 1907	27 nov. 1909	.....
Pérou.....	18 oct. 1907	.....	.....
Perse.....	18 oct. 1907	.....	.....
Pologne.....	.....	.....	31 mai 1935
Portugal.....	18 oct. 1907	13 avril 1911	.....
Roumanie.....	18 oct. 1907	1 mars 1912	.....
Salvador.....	18 oct. 1907	27 nov. 1909	.....
Serbie.....	18 oct. 1907	.....	.....
Siam.....	18 oct. 1907	12 mars 1910	.....
Suède.....	18 oct. 1907	27 nov. 1909	.....
Suisse.....	18 oct. 1907	12 mai 1910	.....
Turquie.....	18 oct. 1907	.....	.....
Uruguay.....	18 oct. 1907	.....	.....
Vénézuéla.....	18 oct. 1907	.....	.....

## V

**CONVENTION (REVISED) FOR THE AMELIORATION OF THE  
CONDITION OF THE WOUNDED AND SICK IN  
ARMIES IN THE FIELD\***

**Concluded at Geneva, July 27, 1929**

(*Translation*)

The President of the German Reich, the President of the United States of America, the Federal President of the Republic of Austria, His Majesty the King of the Belgians, the President of the Republic of Bolivia, the President of the Republic of the United States of Brazil, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of the Bulgarians, the President of the Republic of Chile, the President of the Republic of China, the President of the Republic of Colombia, the President of the Republic of Cuba, His Majesty the King of Denmark and Iceland, the President of the Dominican Republic, His Majesty the King of Egypt, His Majesty the King of Spain, the President of the Republic of Estonia, the President of the Republic of Finland, the President of the French Republic, the President of the Hellenic Republic, His Serene Highness, the Governor of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, Her Royal Highness the Grand Duchess of Luxembourg, the President of the United States of Mexico, the President of the Republic of Nicaragua, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, His Imperial Majesty the Shah of Persia, the President of the Republic of Poland, the President of the Portuguese Republic, His Majesty the King of Roumania, His Majesty the King of the Serbs, Croats and Slovenes, His Majesty the King of Siam, His Majesty the King of Sweden, the Swiss Federal Council, the President of the Czechoslovak Republic, the President of the Turkish Republic, the President of the Oriental Republic of Uruguay, the President of the Republic of the United States of Venezuela,

being equally animated by the desire to lessen, so far as lies in their power, the evils inseparable from war and desiring, for this purpose, to perfect and complete the provisions agreed to at Geneva on the 22nd August, 1864, and the 6th July, 1906, for the amelioration of the condition of the wounded and sick in armies in the field,

have resolved to conclude a new Convention for that purpose and have appointed as their plenipotentiaries:

(Names of Plenipotentiaries)\*\*

who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:—

## CHAPTER I.—*Wounded and Sick*

### ARTICLE 1

Officers and soldiers and other persons officially attached to the armed forces who are wounded or sick shall be respected and protected in all circumstances; they shall be treated with humanity and cared for medically, without distinction of nationality, by the belligerent in whose power they may be.

\* For a previous edition of the Convention see *Canada Treaty Series* 1933, No. 6.

\*\* For these names see *op. cit.*, *ibid.*



## V

**CONVENTION (REVISÉE) POUR L'AMÉLIORATION DU SORT DES BLESSÉS ET DES MALADES DANS LES ARMÉES EN CAMPAGNE\*****Conclue à Genève, le 27 juillet 1929**

Le Président du Reich allemand, le Président des Etats-Unis d'Amérique, le Président fédéral de la République d'Autriche, Sa Majesté le Roi des Belges, le Président de la République de Bolivie, le Président de la République des Etats-Unis du Brésil, Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes, Sa Majesté le Roi des Bulgares, le Président de la République du Chili, le Président de la République de Chine, le Président de la République de Colombie, le Président de la République de Cuba, Sa Majesté le Roi de Danemark et d'Islande, le Président de la République dominicaine, Sa Majesté le Roi d'Egypte, Sa Majesté le Roi d'Espagne, le Président de la République d'Estonie, le Président de la République de Finlande, le Président de la République française, le Président de la République hellénique, Son Altesse sérénissime le Gouverneur de la Hongrie, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur du Japon, le Président de la République de Lettonie, Son Altesse royale la Grande-Duchesse de Luxembourg, le Président des Etats-Unis du Mexique, le Président de la République de Nicaragua, Sa Majesté le Roi de Norvège, Sa Majesté la Reine des Pays-Bas, Sa Majesté impériale le Shah de Perse, le Président de la République de Pologne, le Président de la République portugaise, Sa Majesté le Roi de Roumanie, Sa Majesté le Roi des Serbes, Croates et Slovènes, Sa Majesté le Roi de Siam, Sa Majesté le Roi de Suède, le Conseil fédéral suisse, le Président de la République tchécoslovaque, le Président de la République turque, le Président de la République orientale de l'Uruguay, le Président de la République des Etats-Unis de Vénézuéla,

également animés du désir de diminuer, autant qu'il dépend d'eux, les maux inséparables de la guerre et voulant, dans ce but, perfectionner et compléter les dispositions convenues à Genève, le 22 août 1864 et le 6 juillet 1906, pour l'amélioration du sort des blessés et des malades dans les armées en campagne,

ont résolu de conclure une nouvelle Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:

(Noms des Plénipotentiaires),\*\*

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

**CHAPITRE PREMIER.—Des Blessés et des Malades****ARTICLE PREMIER**

Les militaires et les autres personnes officiellement attachées aux armées qui seront blessés ou malades devront être respectés et protégés en toutes circonstances; ils seront traités avec humanité et soignés, sans distinction de nationalité, par le belligérant qui les aura en son pouvoir.

\* Pour une édition antérieure de la Convention voir *Recueil des Traités du Canada*, 1933, n. 6.

\*\* Pour ces noms voir *op. cit.*



Nevertheless, the belligerent who is compelled to abandon wounded or sick to the enemy, shall, as far as military exigencies permit, leave with them a portion of his medical personnel and material to help with their treatment.

## ARTICLE 2

Except as regards the treatment to be provided for them in virtue of the preceding article, the wounded and sick of an army who fall into the hands of the enemy shall be prisoners of war, and the general provisions of international law concerning prisoners of war shall be applicable to them.

Belligerents shall, however, be free to prescribe, for the benefit of wounded or sick prisoners, such arrangements as they may think fit beyond the limits of the existing obligations.

## ARTICLE 3

After each engagement the occupant of the field of battle shall take measures to search for the wounded and dead, and to protect them against pillage and maltreatment.

Whenever circumstances permit, a local armistice or a suspension of fire shall be arranged to permit the removal of the wounded remaining between the lines.

## ARTICLE 4

Belligerents shall communicate to each other reciprocally, as soon as possible, the names of the wounded, sick and dead, collected or discovered, together with any indications which may assist in their identification.

They shall establish and transmit to each other the certificates of death.

They shall likewise collect and transmit to each other all articles of a personal nature found on the field of battle or on the dead, especially one half of their identity discs, the other half to remain attached to the body.

They shall ensure that the burial or cremation of the dead is preceded by a careful, and if possible medical, examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, that their graves are respected and marked so that they may always be found.

To this end, at the commencement of hostilities, they shall organize officially a graves registration service, to render eventual exhumations possible and to ensure the identification of bodies whatever may be the subsequent site of the grave.

After the cessation of hostilities they shall exchange the list of graves and of dead interred in their cemeteries and elsewhere.

## ARTICLE 5

The military authorities may appeal to the charitable zeal of the inhabitants to collect and afford medical assistance, under their direction, to the wounded or sick of armies, and may accord to persons who have responded to this appeal special protection and certain facilities.

# CHAPTER II.—*Medical Formation and Establishments*

## ARTICLE 6

Mobile medical formations, that is to say, those which are intended to accompany armies in the field, and the fixed establishments of the medical service shall be respected and protected by the belligerents.

Toutefois, le belligérant, obligé d'abandonner des blessés ou des malades à son adversaire, laissera avec eux, autant que les exigences militaires le permettront, une partie de son personnel et de son matériel sanitaires pour contribuer à les soigner.

#### ARTICLE 2

Sous réserve des soins à leur fournir en vertu de l'article précédent, les blessés et les malades d'une armée tombés au pouvoir de l'autre belligérant seront prisonniers de guerre et les règles générales du droit des gens concernant les prisonniers leur seront applicables.

Cependant, les belligérants resteront libres de stipuler, en faveur des prisonniers blessés ou malades et au delà des obligations existantes, telles clauses qu'ils jugeront utiles.

#### ARTICLE 3

Après chaque combat, l'occupant du champ de bataille prendra des mesures pour rechercher les blessés et les morts et pour les protéger contre le pillage et les mauvais traitements.

Toutes les fois que les circonstances le permettront, un armistice local ou une interruption de feu seront convenus pour permettre l'enlèvement des blessés restés entre les lignes.

#### ARTICLE 4

Les belligérants se feront connaître réciproquement, dans le plus bref délai possible, les noms des blessés, des malades et des morts recueillis ou découverts, ainsi que tous les éléments propres à les identifier.

Ils établiront et se transmettront les actes de décès.

Ils recueilleront et s'enverront également tous les objets d'un usage personnel trouvés sur les champs de bataille ou sur les morts, notamment la moitié de leur plaque d'identité, l'autre moitié devant rester attachée au cadavre.

Ils veilleront à ce que l'inhumation ou l'incinération des morts soit précédée d'un examen attentif et, si possible, médical des corps, en vue de constater la mort, d'établir l'identité et de pouvoir en rendre compte.

Ils veilleront, en outre, à ce qu'ils soient enterrés honorablement, que leurs tombes soient respectées et puissent toujours être retrouvées.

A cet effet et au début des hostilités, ils organiseront officiellement un service des tombes en vue de rendre possible des exhumations éventuelles et d'assurer l'identification des cadavres, quel que soit l'emplacement successif des tombes.

Dès la fin des hostilités, ils échangeront la liste des tombes et celle des morts ensevelis dans leurs cimetières et ailleurs.

#### ARTICLE 5

L'autorité militaire pourra faire appel au zèle charitable des habitants pour recueillir et soigner, sous son contrôle, des blessés ou des malades des armées, en accordant aux personnes ayant répondu à cette appel une protection spéciale et certaines facilités.

### CHAPITRE II.—*Des Formations et des Etablissements sanitaires*

#### ARTICLE 6

Les formations sanitaires mobiles, c'est-à-dire celles qui sont destinées à accompagner les armées en campagne, et les établissements fixes du service de santé seront respectés et protégés par les belligérants.



## ARTICLE 7

The protection to which medical formations and establishments are entitled shall cease if they are made use of to commit acts harmful to the enemy.

## ARTICLE 8

The following conditions are not considered to be of such a nature as to deprive a medical formation or establishment of the protection guaranteed by article 6:—

(1) that the personnel of the formation or establishment is armed, and that they use the arms in their own defence or in that of the sick and wounded in charge;

(2) that in the absence of armed orderlies the formation or establishment is protected by a piquet or by sentries;

(3) that small arms and ammunition taken from the wounded and sick, which have not yet been transferred to the proper service, are found in the formation or establishment;

(4) that personnel and material of the veterinary service are found in the formation or establishment, without forming an integral part of the same.

CHAPTER III.—*Personnel*

## ARTICLE 9

The personnel engaged exclusively in the collection, transport and treatment of the wounded and sick, and in the administration of medical formations and establishments, and chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war.

Soldiers specially trained to be employed, in case of necessity, as auxiliary nurses or stretcher-bearers for the collection, transport and treatment of the wounded and sick, and furnished with a proof of identity, shall enjoy the same treatment as the permanent medical personnel if they are taken prisoners while carrying out these functions.

## ARTICLE 10

The personnel of Voluntary Aid Societies, duly recognized and authorized by their Government, who may be employed on the same duties as those of the personnel mentioned in the first paragraph of article 9, are placed on the same footing as the personnel contemplated in that paragraph, provided that the personnel of such societies are subject to military law and regulations.

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during the course of hostilities, but in every case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

## ARTICLE 11

A recognized society of a neutral country can only afford the assistance of its medical personnel and formations to a belligerent with the previous consent of its own Government and the authorization of the belligerent concerned.

The belligerent who accepts such assistance is bound to notify the enemy thereof before making any use of it.



## ARTICLE 7

La protection due aux formations et établissements sanitaires cessera si l'on en use pour commettre des actes nuisibles à l'ennemi.

## ARTICLE 8

Ne seront pas considérés comme étant de nature à priver une formation ou un établissement sanitaire de la protection assurée par l'article 6:

1) le fait que le personnel de la formation ou de l'établissement est armé et qu'il use de ses armes pour sa propre défense ou celle de ses blessés et de ses malades;

2) le fait qu'à défaut d'infirmiers armés, la formation ou l'établissement est gardé par un piquet ou des sentinelles;

3) le fait qu'il est trouvé dans la formation ou l'établissement des armes portatives et des munitions retirées aux blessés et aux malades et n'ayant pas encore été versées au service compétent;

4) le fait que du personnel et du matériel du service vétérinaire se trouvent dans la formation ou l'établissement, sans en faire partie intégrante.

CHAPITRE III.—*Du personnel*

## ARTICLE 9

Le personnel exclusivement affecté à l'enlèvement, au transport et au traitement des blessés et des malades, ainsi qu'à l'administration des formations et des établissements sanitaires, les aumôniers attachés aux armées, seront respectés et protégés en toutes circonstances. S'ils tombent entre les mains de l'ennemi, ils ne seront pas traités comme prisonniers de guerre.

Les militaires spécialement instruits pour être, le cas échéant, employés comme infirmiers ou brancardiers auxiliaires à l'enlèvement, au transport et au traitement des blessés et des malades, et munis d'une pièce d'identité, seront au bénéfice du même régime que le personnel sanitaire permanent, s'ils sont capturés pendant qu'ils remplissent ces fonctions.

## ARTICLE 10

Est assimilé au personnel visé à l'alinéa 1er de l'article 9 le personnel des sociétés de secours volontaires, dûment reconnues et autorisées par leur Gouvernement, qui sera employé aux mêmes fonctions que celles du personnel visé audit alinéa, sous la réserve que le personnel de ces sociétés sera soumis aux lois et règlements militaires.

Chaque Haute Partie Contractante notifiera à l'autre, soit dès le temps de paix, soit à l'ouverture ou au cours des hostilités, en tout cas avant tout emploi effectif, les noms des sociétés qu'elle aura autorisées à prêter leur concours, sous sa responsabilité, au service sanitaire officiel de ses armées.

## ARTICLE 11

Une société reconnue d'un pays neutre ne pourra prêter le concours de son personnel et de ses formations sanitaires à un belligérant qu'avec l'assentiment préalable de son propre Gouvernement et l'autorisation du belligérant lui-même.

Le belligérant qui aura accepté le secours sera tenu, avant tout emploi, d'en faire la notification à l'ennemi.

## ARTICLE 12

The persons designated in articles 9, 10 and 11 may not be retained after they have fallen into the hands of the enemy.

In the absence of an agreement to the contrary, they shall be sent back to the belligerent to which they belong as soon as a route for their return shall be open and military considerations permit.

Pending their return they shall continue to carry out their duties under the direction of the enemy; they shall preferably be engaged in the care of the wounded and sick of the belligerent to which they belong.

On their departure, they shall take with them the effects, instruments, arms and means of transport belonging to them.

## ARTICLE 13

Belligerents shall secure to the personnel mentioned in articles 9, 10 and 11, while in their hands, the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their own armed forces.

At the outbreak of hostilities the belligerents will notify one another of the grades of their respective medical personnel.

CHAPTER IV.—*Buildings and Material*

## ARTICLE 14

Mobile medical formations, of whatsoever kind, shall retain, if they fall into the hands of the enemy, their equipment and stores, their means of transport and the drivers employed.

Nevertheless, the competent military authority shall be free to use the equipment and stores for the care of the wounded and sick; it shall be restored under the conditions laid down for the medical personnel, and as far as possible at the same time.

## ARTICLE 15

The buildings and material of the fixed medical establishments of the army shall be subject to the laws of war, but may not be diverted from their purpose so long as they are necessary for the wounded and the sick.

Nevertheless, the commanders of troops in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are being treated therein.

## ARTICLE 16

The buildings of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The material of these societies, wherever it may be, shall similarly be considered as private property.

The right of requisition recognized for belligerents by the laws and customs of war, shall only be exercised in case of urgent necessity and only after the welfare of the wounded and sick has been secured.



## ARTICLE 12

Les personnes désignées dans les articles 9, 10 et 11 ne pourront être retenues après qu'elles seront tombées au pouvoir de la partie adverse.

Sauf accord contraire, elles seront renvoyées au belligérant dont elles relèvent dès qu'une voie sera ouverte pour leur retour et que les exigences militaires le permettront.

En attendant leur renvoi, elles continueront à remplir leurs fonctions sous la direction de la partie adverse; elles seront de préférence affectées aux soins des blessés et des malades du belligérant dont elles relèvent.

A leur départ, elles emporteront les effets, les instruments, les armes et les moyens de transport qui leur appartiennent.

## ARTICLE 13

Les belligérants assureront au personnel visé par les articles 9, 10 et 11, pendant qu'il sera en leur pouvoir, le même entretien, le même logement, les mêmes allocations et la même solde qu'au personnel correspondant de leur armée.

Dès le début des hostilités, ils s'entendront au sujet de la correspondance des grades de leur personnel sanitaire.

CHAPITRE IV.—*Des bâtiments et du matériel*

## ARTICLE 14

Les formations sanitaires mobiles, quelles qu'elles soient, conserveront, si elles tombent au pouvoir de la partie adverse, leur matériel, leurs moyens de transport et leur personnel conducteur.

Toutefois, l'autorité militaire compétente aura la faculté de s'en servir pour les soins des blessés et des malades; la restitution aura lieu dans les conditions prévues pour le personnel sanitaire, et, autant que possible, en même temps.

## ARTICLE 15

Les bâtiments et le matériel des établissements sanitaires fixes de l'armée demeureront soumis aux lois de la guerre, mais ne pourront être détournés de leur emploi tant qu'ils seront nécessaires aux blessés et aux malades.

Toutefois, les commandants des troupes d'opérations pourront en disposer, en cas de nécessités militaires urgentes, en assurant au préalable le sort des blessés et des malades qui y sont traités.

## ARTICLE 16

Les bâtiments des sociétés de secours admises au bénéfice de la Convention seront considérés comme propriété privée.

Le matériel de ces sociétés, quel que soit le lieu où il pourra se trouver, sera également considéré comme propriété privée.

Le droit de réquisition reconnu aux belligérants par les lois et usages de la guerre ne s'exercera qu'en cas de nécessité urgente et une fois le sort des blessés et des malades assuré.



CHAPTER V.—*Medical Transport*

## ARTICLE 17

Vehicles equipped for the evacuation of wounded and sick, proceeding singly or in convoy, shall be treated as mobile medical formations, subject to the following special provisions:—

A belligerent intercepting vehicles of medical transport, singly or in convoy, may, if military exigences demand, stop them, and break up the convoy, provided he takes charge in every case of the wounded and sick who are in it. He can only use the vehicles in the sector where they have been intercepted, and exclusively for medical requirements. These vehicles, as soon as they are no longer required for local use, shall be given up in accordance with the conditions laid down in article 14.

The military personnel in charge of the transport and furnished for this purpose with authority in due form, shall be sent back in accordance with the conditions prescribed in article 12 for medical personnel, subject to the condition of the last paragraph of article 18.

All means of transport specially organized for evacuation and the material used in equipping these means of transport belonging to the medical service shall be restored in accordance with the provisions of Chapter IV. Military means of transport other than those of the medical service may be captured, with their teams.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

## ARTICLE 18

Aircraft used as means of medical transport shall enjoy the protection of the Convention during the period in which they are reserved exclusively for the evacuation of wounded and sick and the transport of medical personnel and material.

They shall be painted white and shall bear, clearly marked the distinctive emblem prescribed in article 19, side by side with their national colours, on their lower and upper surfaces.

In the absence of special and express permission, flying over the firing line, and over the zone situated in front of clearing or dressing stations, and generally over all enemy territory or territory occupied by the enemy, is prohibited.

Medical aircraft shall obey every summons to land.

In the event of a landing thus imposed, or of an involuntary landing in enemy territory or territory occupied by the enemy, the wounded and sick, as well as the medical personnel and material, including the aircraft, shall enjoy the privileges of the present Convention.

The pilot, mechanics and wireless telegraph operators captured shall be sent back, on condition that they shall be employed until the close of hostilities in the medical service only.

CHAPTER VI.—*The Distinctive Emblem*

## ARTICLE 19

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the medical service of armed forces.

Nevertheless, in the case of countries which already use, in place of the Red Cross, the Red Crescent or the Red Lion and Sun on a white ground as a distinctive sign, these emblems are also recognized by the terms of the present Convention.

CHAPITRE V.—*Des transports sanitaires*

## ARTICLE 17

Les véhicules aménagés pour les évacuations sanitaires circulant isolément ou en convoi seront traités comme les formations sanitaires mobiles, sauf les dispositions spéciales suivantes:

Le belligérant interceptant des véhicules de transport sanitaire, isolés ou en convoi, pourra, si les nécessités militaires l'exigent, les arrêter, disloquer le convoi, en se chargeant dans tous les cas des blessés et des malades qu'il contient. Il ne pourra les utiliser que dans le secteur où ils auront été interceptés et exclusivement pour des besoins sanitaires. Ces véhicules, une fois leur mission locale terminée, devront être rendus dans les conditions prévues à l'article 14.

Le personnel militaire préposé au transport et muni à cet effet d'un mandat régulier sera renvoyé dans les conditions prévues à l'article 12 pour le personnel sanitaire, et sous réserve du dernier alinéa de l'article 18.

Tous les moyens de transport spécialement organisés pour les évacuations et le matériel d'aménagement de ces moyens de transport relevant du service de santé seront restitués conformément aux dispositions du chapitre IV.

Les moyens de transport militaires, autres que ceux du service de santé, pourront être capturés, avec leurs attelages.

Le personnel civil et tous les moyens de transport provenant de la réquisition seront soumis aux règles générales du droit des gens.

## ARTICLE 18

Les appareils aériens utilisés comme moyens de transport sanitaire jouiront de la protection de la Convention pendant le temps où ils seront exclusivement réservés à l'évacuation des blessés et des malades, au transport du personnel et du matériel sanitaires.

Ils seront peints en blanc et porteront ostensiblement le signe distinctif prévu à l'article 19, à côté des couleurs nationales, sur leurs faces inférieure et supérieure.

Sauf licence spéciale et expresse, le survol de la ligne de feu et de la zone située en avant des grands postes médicaux de triage, ainsi que, d'une manière générale, de tout territoire ennemi ou occupé par l'ennemi sera interdit.

Les appareils sanitaires aériens devront obéir à toute sommation d'atterrir.

En cas d'atterrissage ainsi imposé ou fortuit sur un territoire ennemi ou occupé par l'ennemi, les blessés et les malades, de même que le personnel et le matériel sanitaires, y compris l'appareil aérien, demeureront au bénéfice des dispositions de la présente Convention.

Le pilote, les manœuvres et les opérateurs de télégraphie sans fil (T.S.F.) capturés seront rendus, à la condition qu'ils ne soient plus utilisés, jusqu'à la fin des hostilités, que dans le service sanitaire.

CHAPITRE VI.—*Du signe distinctif*

## ARTICLE 19

Par hommage pour la Suisse, le signe héraldique de la croix rouge sur fond blanc, formé par interversion des couleurs fédérales, est maintenu comme emblème et signe distinctif du service sanitaire des armées.

Toutefois, pour les pays qui emploient déjà, à la place de la croix rouge, le croissant rouge ou le lion et le soleil rouges sur fond blanc comme signe distinctif, ces emblèmes sont également admis dans le sens de la présente Convention.



## ARTICLE 20

The emblem shall figure on the flags, armlets, and on all material belonging to the medical service, with the permission of the competent military authority.

## ARTICLE 21

The personnel protected in pursuance of articles 9 (paragraph 1), 10 and 11, shall wear, affixed to the left arm, an armlet bearing the distinctive sign, issued and stamped by a military authority.

The personnel mentioned in article 9, paragraphs 1 and 2, shall be provided with a certificate of identity, consisting either of an entry in their small book (paybook) or a special document.

The persons mentioned in articles 10 and 11 who have no military uniform shall be furnished by the competent military authority with a certificate of identity, with photograph, certifying their status as medical personnel.

The certificates of identity shall be uniform and of the same pattern in each army.

In no case may the medical personnel be deprived of their armlets or the certificates of identity belonging to them.

In case of loss they have the right to obtain duplicates.

## ARTICLE 22

The distinctive flag of the Convention shall be hoisted only over such medical formations and establishments as are entitled to be respected under the Convention, and with the consent of the military authorities. In fixed establishments it shall be, and in mobile formations it may be, accompanied by the national flag of the belligerent to whom the formation or establishment belongs.

Nevertheless, medical formations which have fallen into the hands of the enemy, so long as they are in that situation, shall not fly any other flag than that of the Convention.

Belligerents shall take the necessary steps, so far as military exigencies permit, to make clearly visible to the enemy forces, whether land, air, or sea, the distinctive emblems indicating medical formations and establishments, in order to avoid the possibility of any offensive action.

## ARTICLE 23

The medical units belonging to neutral countries which shall have been authorized to lend their services under the conditions laid down in article 11, shall fly, along with the flag of the Convention, the national flag of the belligerent to whose army they are attached.

They shall also have the right, so long as they shall lend their services to a belligerent, to fly their national flag.

The provisions of the second paragraph of the preceding article are applicable to them.

## ARTICLE 24

The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* shall not be used, either in time of peace or in time of war, except to protect or to indicate the medical formations and establishments and the personnel and material protected by the Convention.

The same shall apply, as regards the emblems mentioned in article 19, paragraph 2, in respect of the countries which use them.

The Voluntary Aid Societies mentioned in article 10 may, in accordance with their national legislation, use the distinctive emblem in connection with their humanitarian activities in time of peace.



## ARTICLE 20

L'emblème figurera sur les drapeaux, les brassards, ainsi que sur tout le matériel se rattachant au service sanitaire, avec la permission de l'autorité militaire compétente.

## ARTICLE 21

Le personnel protégé en vertu des articles 9, alinéa premier, 10 et 11 portera, fixé au bras gauche, un brassard muni du signe distinctif, délivré et timbré par une autorité militaire.

Le personnel visé à l'article 9, alinéas 1 et 2, sera pourvu d'une pièce d'identité consistant, soit en une inscription dans le livret militaire, soit en un document spécial.

Les personnes visées aux articles 10 et 11 qui n'ont pas d'uniforme militaire seront munies par l'autorité militaire compétente d'un certificat d'identité, avec photographie, attestant leur qualité de sanitaire.

Les pièces d'identité devront être uniformes et du même modèle dans chaque armée.

En aucun cas, le personnel sanitaire ne pourra être privé de ses insignes, ni des pièces d'identité qui lui sont propres.

En cas de perte, il aura le droit d'en obtenir des duplicata.

## ARTICLE 22

Le drapeau distinctif de la Convention ne pourra être arboré que sur les formations et les établissements sanitaires qu'elle ordonne de respecter et avec le consentement de l'autorité militaire. Dans les établissements fixes, il devra et, dans les formations mobiles, il pourra être accompagné du drapeau national du belligérant dont relève la formation ou l'établissement.

Toutefois, les formations sanitaires tombées au pouvoir de l'ennemi n'arboreront que le drapeau de la Convention, aussi longtemps qu'elles se trouveront dans cette situation.

Les belligérants prendront, en tant que les exigences militaires le permettront, les mesures nécessaires pour rendre nettement visibles aux forces ennemies terrestres, aériennes et maritimes, les emblèmes distinctifs signalant les formations et les établissements sanitaires, en vue d'écarter la possibilité de toute action agressive.

## ARTICLE 23

Les formations sanitaires des pays neutres qui, dans les conditions prévues par l'article 11, auraient été autorisées à fournir leurs services devront arborer, avec le drapeau de la Convention, le drapeau national du belligérant dont elles relèvent.

Elles auront le droit, tant qu'elles prêteront leurs services à un belligérant, d'arborer également leur drapeau national.

Les dispositions du deuxième alinéa de l'article précédent leur seront applicables.

## ARTICLE 24

L'emblème de la croix rouge sur fond blanc et les mots *croix rouge* ou *croix de Genève* ne pourront être employés, soit en temps de paix, soit en temps de guerre, que pour protéger ou désigner les formations et les établissements sanitaires, le personnel et le matériel protégés par la Convention.

Il en sera de même, en ce qui concerne les emblèmes visés à l'article 19, alinéa 2, pour les pays qui les emploient.

D'autre part, les sociétés de secours volontaires visées à l'article 10 pourront faire usage, conformément à la législation nationale, de l'emblème distinctif pour leur activité humanitaire en temps de paix.

As an exceptional measure, and with the express authority of one of the national societies of the Red Cross (Red Crescent, Red Lion and Sun), use may be made of the emblem of the Convention in time of peace to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to the wounded or the sick.

## CHAPTER VII.—*Application and Execution of the Convention*

### ARTICLE 25

The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances. If, in time of war, a belligerent is not a party to the Convention, its provisions shall, nevertheless, be binding as between all the belligerents who are parties thereto.

### ARTICLE 26

The Commanders-in-Chief of belligerent armies shall arrange the details for carrying out the preceding articles, as well as for cases not provided for, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

### ARTICLE 27

The High Contracting Parties shall take the necessary steps to instruct their troops, and in particular the personnel protected, in the provisions of the present Convention, and to bring them to the notice of the civil population.

## CHAPTER VIII.—*Suppression of Abuses and Infractions*

### ARTICLE 28

The Governments of the High Contracting Parties whose legislation is not at present adequate for the purpose, shall adopt or propose to their legislatures the measures necessary to prevent at all times:—

a) The use of the emblem or designation *Red Cross* or *Geneva Cross* by private individuals or associations, firms or companies, other than those entitled thereto under the present Convention, as well as the use of any sign or designation constituting an imitation, for commercial or any other purposes;

b) by reason of the compliment paid to Switzerland by the adoption of the reversed federal colours, the use by private individuals or associations, firms or companies of the arms of the Swiss Confederation, or marks constituting an imitation, whether as trade-marks or as parts of such marks, for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment.

The prohibition indicated in (a) of the use of marks or designations constituting an imitation of the emblem or designation of *Red Cross* or *Geneva Cross*, as well as the prohibition in (b) of the use of the arms of the Swiss Confederation or marks constituting an imitation, shall take effect as from the date fixed by each legislature, and not later than five years after the coming into force of the present Convention. From the date of such coming into force, it shall no longer be lawful to adopt a trade-mark in contravention of these rules.



A titre exceptionnel et avec l'autorisation expresse de l'une des sociétés nationales de la Croix-Rouge (Croissant-Rouge, Lion et Soleil-Rouges), il pourra être fait usage de l'emblème de la Convention, en temps de paix, pour marquer l'emplacement de postes de secours exclusivement réservés à donner des soins gratuits à des blessés ou à des malades.

## CHAPITRE VII.—*De l'application et de l'exécution de la Convention*

### ARTICLE 25

Les dispositions de la présente Convention seront respectées par les Hautes Parties Contractantes en toutes circonstances.

Au cas où, en temps de guerre, un belligérant ne serait pas partie à la Convention, ses dispositions demeureront néanmoins obligatoires entre tous les belligérants qui y participent.

### ARTICLE 26

Les commandants en chef des armées belligérantes auront à pourvoir aux détails d'exécution des articles précédents, ainsi qu'aux cas non prévus, d'après les instructions de leurs Gouvernements respectifs et conformément aux principes généraux de la présente Convention.

### ARTICLE 27

Les Hautes Parties Contractantes prendront les mesures nécessaires pour instruire leurs troupes, et spécialement le personnel protégé, des dispositions de la présente Convention et pour les porter à la connaissance des populations.

## CHAPITRE VIII.—*De la répression des abus et des infractions*

### ARTICLE 28

Les Gouvernements des Hautes Parties Contractantes, dont la législation ne serait pas dès à présent suffisante, prendront ou proposeront à leurs législatures les mesures nécessaires pour empêcher en tout temps:

a) l'emploi, par des particuliers ou par des sociétés autres que celles y ayant droit en vertu de la présente Convention, de l'emblème ou de la dénomination de *croix rouge* ou de *croix de Genève*, de même que de tout signe et de toute dénomination constituant une imitation, que cet emploi ait lieu dans un but commercial ou dans tout autre but;

b) en raison de l'hommage rendu à la Suisse par l'adoption des couleurs fédérales interverties, l'emploi par des particuliers ou par des sociétés des armoiries de la Confédération suisse ou de signes constituant une imitation, soit comme marques de fabrique ou de commerce ou comme éléments de ces marques, soit dans un but contraire à la loyauté commerciale, soit dans des conditions susceptibles de blesser le sentiment national suisse.

L'interdiction prévue sous lettre a) de l'emploi des signes ou dénominations constituant une imitation de l'emblème ou de la dénomination de *croix rouge* ou de *croix de Genève*, ainsi que l'interdiction prévue sous lettre b) de l'emploi des armoiries de la Confédération suisse ou de signes constituant une imitation produira son effet à partir de l'époque déterminée par chaque législation et, au plus tard, cinq ans après la mise en vigueur de la présente Convention. Dès cette mise en vigueur, il ne sera plus licite de prendre une marque de fabrique ou de commerce contraire à ces interdictions.



## ARTICLE 29

The Governments of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war, of any act contrary to the provisions of the present Convention.

They shall communicate to one another, through the Swiss Federal Council, the provisions relative to such repression not later than five years from the ratification of the present Convention.

## ARTICLE 30

On the request of a belligerent, an enquiry shall be instituted, in a manner to be decided between the interested parties, concerning any alleged violation of the Convention; when such violation has been established the belligerents shall put an end to and repress it as promptly as possible.

*Final Provisions*

## ARTICLE 31

The present Convention, which shall bear this day's date, may be signed, up to the 1st February, 1930, on behalf of all the countries represented at the Conference which opened at Geneva on the 1st July, 1929, as well as by countries not represented at that Conference but which were parties to the Geneva Conventions of 1864 and 1906.

## ARTICLE 32

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

A *procès-verbal* of the deposit of each instrument of ratification shall be drawn up, one copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all countries on whose behalf the Convention has been signed, or whose accession has been notified.

## ARTICLE 33

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall enter into force for each High Contracting Party six months after the deposit of its instrument of ratification.

## ARTICLE 34

The present Convention shall replace the Conventions of the 22nd August, 1864, and the 6th July, 1906, in relations between the High Contracting Parties.

## ARTICLE 35

From the date of its coming into force, the present Convention shall be open to accession duly notified on behalf of any country on whose behalf this Convention has not been signed.

## ARTICLE 29

Les Gouvernements des Hautes Parties Contractantes prendront ou proposeront également à leurs législatures, en cas d'insuffisance de leurs lois pénales, les mesures nécessaires pour réprimer, en temps de guerre, tout acte contraire aux dispositions de la présente Convention.

Ils communiqueront par l'intermédiaire du Conseil fédéral suisse, les dispositions relatives à cette répression, au plus tard dans les cinq ans à dater de la ratification de la présente Convention.

## ARTICLE 30

A la demande d'un belligérant, une enquête devra être ouverte, selon le mode à fixer entre les parties intéressées, au sujet de toute violation alléguée de la Convention; une fois la violation constatée, les belligérants y mettront fin et la réprimeront le plus promptement possible.

*Dispositions finales*

## ARTICLE 31

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au premier février 1930, être signée au nom de tous les pays représentés à la Conférence qui s'est ouverte à Genève le 1er juillet 1929, ainsi que des pays non représentés à cette Conférence qui participent aux Conventions de Genève de 1864 ou de 1906.

## ARTICLE 32

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification un procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse aux Gouvernements de tous les pays au nom de qui la Convention aura été signée ou l'adhésion notifiée.

## ARTICLE 33

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie Contractante six mois après le dépôt de son instrument de ratification.

## ARTICLE 34

La présente Convention remplacera les Conventions du 22 août 1864 et du 6 juillet 1906 dans les rapports entre les Hautes Parties Contractantes.

## ARTICLE 35

A partir de la date de sa mise en vigueur, la présente Convention sera ouverte aux adhésions données au nom de tout pays au nom duquel cette Convention n'aura pas été signée.

## ARTICLE 36

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

## ARTICLE 37

A state of war shall give immediate effect to ratifications and accessions notified by the belligerent Powers before or after the outbreak of hostilities. The communication of ratifications or accessions received from Powers in a state of war shall be made by the Swiss Federal Council by the quickest method.

## ARTICLE 38

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The denunciation shall not take effect until one year after the notification thereof in writing has been made to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall only have effect in respect of the High Contracting Party which has made notification thereof.

Moreover, this denunciation shall not take effect during a war in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of the peace.

## ARTICLE 39

A certified copy of the present Convention shall be deposited in the archives of the League of Nations by the Swiss Federal Council. Similarly, ratifications, accessions and denunciations which shall be notified to the Swiss Federal Council shall be communicated by them to the League of Nations.

IN WITNESS WHEREOF, the above-named Plenipotentiaries have signed the present Convention.

DONE at Geneva the twenty-seventh July, one thousand nine hundred and twenty-nine, in a single copy, which shall remain deposited in the archives of the Swiss Confederation, and of which copies, certified to be correct, shall be transmitted to the Governments of all the countries invited to the Conference.

(The signature follows of the Plenipotentiaries for Australia\*, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada\*, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Great Britain and Northern Ireland\*, India\*, Irish Free State\*, Hungary, Italy, Japan\*\*, Latvia, Luxembourg, Mexico, Nicaragua, Netherlands, Norway, New Zealand\*, Persia, Poland, Portugal, Roumania, Siam, Spain (*ad referendum*), Sweden, Switzerland, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela, Yugoslavia.)

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\* Signed subject to the understanding that the signatory Power will interpret Article 28 of the Convention in the sense that the legislative measures contemplated by that Article may provide that private individuals, associations, firms or companies who have used the Arms of the Swiss Confederation, or marks constituting an imitation thereof, for any lawful purpose before the coming into force of the present Convention shall not be prevented from continuing to use such Arms or marks for the same purpose.

\*\* Signed subject to a similar reservation regarding Article 28.



## ARTICLE 36

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions aux Gouvernements de tous les pays au nom de qui la Convention aura été signée ou l'adhésion notifiée.

## ARTICLE 37

L'état de guerre donnera effet immédiatement aux ratifications déposées et aux adhésions notifiées par les Puissances belligérantes avant ou après le début des hostilités. La communication des ratifications ou adhésions reçues des Puissances en état de guerre sera faite par le Conseil fédéral suisse par la voie la plus rapide.

## ARTICLE 38

Chacune des Hautes Parties Contractantes aura la faculté de dénoncer la présente Convention. La dénonciation ne produira ses effets qu'un an après que la notification en aura été faite par écrit au Conseil fédéral suisse. Celui-ci communiquera cette notification aux Gouvernements de toutes les Hautes Parties Contractantes.

La dénonciation ne vaudra qu'à l'égard de la Haute Partie Contractante qui l'aura notifiée.

En outre, cette dénonciation ne produira pas ses effets au cours d'une guerre dans laquelle serait impliquée la Puissance dénonçante. En ce cas, la présente Convention continuera à produire ses effets, au delà du délai d'un an, jusqu'à la conclusion de la paix.

## ARTICLE 39

Une copie certifiée conforme de la présente Convention sera déposée aux archives de la Société des Nations par les soins du Conseil fédéral suisse. De même, les ratifications, adhésions ou dénonciations qui seront notifiées au Conseil fédéral suisse seront communiquées par lui à la Société des Nations.

EN FOI DE QUOI les Plénipotentiaires sus-nommés ont signé la présente Convention.

FAIT à Genève le vingt-sept juillet mil neuf cent vingt-neuf, en un seul exemplaire, qui restera déposé aux archives de la Confédération suisse et dont des copies, certifiées conformes, seront remises aux Gouvernements de tous les pays invités à la Conférence.

(Suit la signature des Plénipotentiaires pour l'Allemagne, l'Australie\*, l'Autriche, la Belgique, la Bolivie, le Brésil, la Bulgarie, le Canada\*, le Chili, la Chine, la Colombie, Cuba, le Danemark, la République dominicaine, l'Egypte, l'Espagne (*ad referendum*), l'Estonie, l'Etat libre d'Irlande\*, les Etats-Unis d'Amérique, la Finlande, la France, la Grande-Bretagne et l'Irlande du Nord ainsi que toute partie de l'Empire britannique non Membre séparé de la Société des Nations\*, la Grèce, la Hongrie, l'Inde\*, l'Italie, le Japon\*\*, la Lettonie, le Luxembourg, le Mexique, le Nicaragua, la Norvège, la Nouvelle-Zélande\*, les Pays-Bas, la Perse, la Pologne, le Portugal, la Roumanie, le Siam, la Suède, la Suisse, la Tchécoslovaquie, la Turquie, l'Uruguay, le Vénézuéla et la Yougoslavie.)

\* Sous réserve que l'Etat signataire entend interpréter l'article 28 de la Convention en ce sens que les mesures législatives visées par cet article pourront prévoir que les particuliers, associations, raisons sociales et sociétés qui auront employé, avant l'entrée en vigueur de la présente Convention, les armoiries de la Confédération Suisse, ou des signes constituant une imitation des dites armoiries, dans tout but légal, ne devront pas être empêchés de continuer à employer ces armoiries ou signes dans le même but.

\*\* Sous le bénéfice d'une réserve à l'article 28.

CONVENTION OF 1929 FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD

COUNTRIES	Signature	Ratification	Accession
*Australia.....	July 27, 1929	June 23, 1931	
Austria.....	July 27, 1929	Mar. 13, 1936	
Belgium.....	July 27, 1929	May 12, 1932	
Bolivia.....	July 27, 1929	Aug. 13, 1940	
Brazil.....	July 27, 1929	Mar. 23, 1932	
Bulgaria.....	July 27, 1929	Oct. 13, 1937	
*Canada.....	July 27, 1929	Feb. 20, 1933	
Chile.....	July 27, 1929	June 1, 1933	
China.....	July 27, 1929	Nov. 19, 1935	
Colombia.....	July 27, 1929	June 5, 1941	
Cuba.....	July 27, 1929		
Czechoslovakia.....	July 27, 1929	Oct. 12, 1937	
Denmark.....	July 27, 1929	Aug. 5, 1932	
Dominican Republic.....	July 27, 1929		
Egypt.....	July 27, 1929	July 25, 1933	
Estonia.....	July 27, 1929	June 11, 1936	
Ethiopia.....			July 15, 1935
Finland.....	July 27, 1929	Feb. 8, 1936	
France.....	July 27, 1929	Aug. 21, 1935	
Germany.....	July 27, 1929	Feb. 21, 1934	
*Great Britain and Northern Ireland.....	July 27, 1929	June 23, 1931	
Greece.....	July 27, 1929	May 28, 1935	
Hungary.....	July 27, 1929	Sept. 10, 1936	
*India.....	July 27, 1929	June 23, 1931	
Iraq.....			May 25, 1934
*Irish Free State.....	July 27, 1929		
Italy.....	July 27, 1929	Mar. 24, 1931	
*Japan.....	July 27, 1929	Dec. 18, 1934	
Latvia.....	July 27, 1929	Oct. 14, 1931	
Lithuania.....			Feb. 27, 1939
Luxembourg.....	July 27, 1929		
Mexico.....	July 27, 1929	Aug. 1, 1932	
Netherlands.....	July 27, 1929	Oct. 5, 1932	
*New Zealand.....	July 27, 1929	June 23, 1931	
Nicaragua.....	July 27, 1929		
Norway.....	July 27, 1929	June 24, 1931	
Persia.....	July 27, 1929		
Peru.....			Mar. 10, 1933
Poland.....	July 27, 1929	June 29, 1932	
Portugal.....	July 27, 1929	June 8, 1931	
Roumania.....	July 27, 1929	Oct. 24, 1931	
Siam.....	July 27, 1929	June 3, 1939	
Slovakia.....			Sept. 15, 1939
Soviet Union.....			Sept. 26, 1931
Spain.....	July 27, 1929	Aug. 6, 1930	
Sweden.....	July 27, 1929	July 3, 1931	
Switzerland.....	July 27, 1929	Dec. 19, 1930	
Turkey.....	July 27, 1929	Mar. 10, 1934	
Union of South Africa.....	July 27, 1929	June 23, 1931	
United States of America.....	July 27, 1929	Feb. 4, 1932	
Uruguay.....	July 27, 1929		
Venezuela.....	July 27, 1929		
Yugoslavia.....	July 27, 1929	May 20, 1931	

\*Signed with a reservation regarding Article 28.

*ERRATUM*

En regard de “Pérou” et “Perse” lire comme suit:

PAYS	Signature	Ratification	Accession
Pérou.....	27 juillet 1929	.....	10 mars 1933
Perse.....		.....	.....





CONVENTION DE 1929 POUR L'AMÉLIORATION DU SORT DES MILITAIRES  
BLESSÉS OU MALADES DANS LES ARMÉES EN CAMPAGNE

PAYS	Signature		Ratification		Accession
Allemagne.....	27 juillet	1929	21 fév.	1934	.....
*Australie.....	27 juillet	1929	23 juin	1931	.....
Autriche.....	27 juillet	1929	13 mars	1936	.....
Belgique.....	27 juillet	1929	12 mai	1932	.....
Bolivie.....	27 juillet	1929	13 août	1940	.....
Brésil.....	27 juillet	1929	23 mars	1932	.....
Bulgarie.....	27 juillet	1929	13 oct.	1937	.....
*Canada.....	27 juillet	1929	20 fév.	1933	.....
Chili.....	27 juillet	1929	1 juin	1933	.....
Chine.....	27 juillet	1929	19 nov.	1935	.....
Colombie.....	27 juillet	1929	5 juin	1941	.....
Cuba.....	27 juillet	1929	.....	.....	.....
Danemark.....	27 juillet	1929	5 août	1932	.....
Dominicaine (République).....	27 juillet	1929	.....	.....	.....
Egypte.....	27 juillet	1929	25 juillet	1933	.....
Espagne.....	27 juillet	1929	6 août	1930	.....
Estonie.....	27 juillet	1929	11 juin	1936	.....
*Etat libre d'Irlande.....	27 juillet	1929	.....	.....	.....
Etats-Unis d'Amérique.....	27 juillet	1929	4 fév.	1932	.....
Ethiopie.....	.....	.....	.....	.....	15 juillet 1935
Finlande.....	27 juillet	1929	8 fév.	1936	.....
France.....	27 juillet	1929	21 août	1935	.....
*Grande-Bretagne.....	27 juillet	1929	23 juin	1931	.....
Grèce.....	27 juillet	1929	28 mai	1935	.....
Hongrie.....	27 juillet	1929	10 sept.	1936	.....
*Inde.....	27 juillet	1929	23 juin	1931	.....
Iraq.....	.....	.....	.....	.....	25 mai 1934
Italie.....	27 juillet	1929	24 mars	1931	.....
Japon.....	27 juillet	1929	18 déc.	1934	.....
*Lettonie.....	27 juillet	1929	14 oct.	1931	.....
Lithuanie.....	.....	.....	.....	.....	27 fév. 1939
Luxembourg.....	27 juillet	1929	.....	.....	.....
Mexique.....	27 juillet	1929	1 août	1932	.....
Nicaragua.....	27 juillet	1929	.....	.....	.....
Norvège.....	27 juillet	1929	24 juin	1931	.....
Nouvelle-Zélande.....	27 juillet	1929	23 juin	1931	.....
*Pays-Bas.....	27 juillet	1929	5 oct.	1932	.....
Pérou.....	27 juillet	1929	.....	.....	.....
Perse.....	.....	.....	.....	.....	10 mars 1933
Pologne.....	27 juillet	1929	29 juin	1932	.....
Portugal.....	27 juillet	1929	8 juin	1931	.....
Roumanie.....	27 juillet	1929	24 oct.	1931	.....
Siam.....	27 juillet	1929	3 juin	1939	.....
Slovaquie.....	.....	.....	.....	.....	15 sept. 1939
Suède.....	27 juillet	1929	3 juillet	1931	.....
Suisse.....	27 juillet	1929	19 déc.	1930	.....
Tchécoslovaquie.....	27 juillet	1929	12 oct.	1937	.....
Turquie.....	27 juillet	1929	10 mars	1934	.....
Union de l'Afrique du Sud.....	27 juillet	1929	25 juin	1931	.....
Union Soviétique.....	.....	.....	.....	.....	26 sept. 1931
Uruguay.....	27 juillet	1929	.....	.....	.....
Vénézuéla.....	27 juillet	1929	.....	.....	.....
Yougoslavie.....	27 juillet	1929	20 mai	1931	.....

\*Signa moyennant une réserve touchant l'article 28.

## VI

CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS  
OF WAR

Concluded at Geneva, July 27, 1929\*

*(Translation)*

The President of the German Reich, the President of the United States of America, the Federal President of the Republic of Austria, His Majesty the King of the Belgians, the President of the Republic of Bolivia, the President of the Republic of the United States of Brazil, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of the Bulgarians, the President of the Republic of Chile, the President of the Republic of China, the President of the Republic of Colombia, the President of the Republic of Cuba, His Majesty the King of Denmark and Iceland, the President of the Dominican Republic, His Majesty the King of Egypt, His Majesty the King of Spain, the President of the Republic of Estonia, the President of the Republic of Finland, the President of the French Republic, the President of the Hellenic Republic, His Serene Highness the Governor of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, Her Royal Highness the Grand Duchess of Luxembourg, the President of the United States of Mexico, the President of the Republic of Nicaragua, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, His Imperial Majesty the Shah of Persia, the President of the Republic of Poland, the President of the Portuguese Republic, His Majesty the King of Roumania, His Majesty the King of the Serbs, Croats and Slovenes, His Majesty the King of Siam, His Majesty the King of Sweden, the Swiss Federal Council, the President of the Czechoslovak Republic, the President of the Turkish Republic, the President of the Oriental Republic of Uruguay, the President of the Republic of the United States of Venezuela,

recognizing that, in the extreme event of a war, it will be the duty of every Power to mitigate, as far as possible, the inevitable rigours thereof and to alleviate the condition of prisoners of war;

being desirous of developing the principles which have inspired the international conventions of The Hague, in particular the Convention concerning the Laws and Customs of War and the Regulations thereunto annexed;

have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

(Names of Plenipotentiaries),\*\*

who, having communicated their full powers, found in good and due form, have agreed as follows:—

PART I.—*General Provisions*

## ARTICLE I

The present Convention shall apply without prejudice to the stipulations of Part VII:—

\* For a previous edition of the Convention see *Canada Treaty Series* 1933, No. 5.

\*\* For these names see *op. cit.*



## VI

CONVENTION RELATIVE AU TRAITEMENT DES PRISONNIERS  
DE GUERRE

Conclue à Genève, le 27 juillet 1929\*

Le Président du Reich allemand, le Président des Etats-Unis d'Amérique, le Président fédéral de la République d'Autriche, Sa Majesté le Roi des Belges, le Président de la République de Bolivie, le Président de la République des Etats-Unis du Brésil, Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes, Sa Majesté de Roi des Bulgares, le Président de la République du Chili, le Président de la République de Chine, le Président de la République de Colombie, le Président de la République de Cuba, Sa Majesté le Roi de Danemark et d'Islande, le Président de la République dominicaine, Sa Majesté le Roi d'Egypte, Sa Majesté le Roi d'Espagne, le Président de la République d'Estonie, le Président de la République de Finlande, le Président de la République française, le Président de la République hellénique, Son Altesse sérénissime le Gouverneur de la Hongrie, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur du Japon, le Président de la République de Lettonie, Son Altesse royale la Grande-Duchesse de Luxembourg, le Président des Etats-Unis du Mexique, le Président de la République de Nicaragua, Sa Majesté le Roi de Norvège, Sa Majesté la Reine des Pays-Bas, Sa Majesté impériale le Shah de Perse, le Président de la République de Pologne, le Président de la République portugaise, Sa Majesté le Roi de Roumanie, Sa Majesté le Roi des Serbes, Croates et Slovènes, Sa Majesté le Roi de Siam, Sa Majesté le Roi de Suède, le Conseil fédéral suisse, le Président de la République tchécoslovaque, le Président de la République turque, le Président de la République orientale de l'Uruguay, le Président de la République des Etats-Unis de Vénézuéla,

reconnaissant que, dans le cas extrême d'une guerre, il sera du devoir de toute Puissance d'en atténuer, dans la mesure du possible, les rigueurs inévitables et d'adoucir le sort des prisonniers de guerre;

désireux de développer les principes qui ont inspiré les conventions internationales de La Haye, en particulier la Convention concernant les lois et coutumes de la guerre et le Règlement qui y est annexé;

ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:

(Noms des Plénipotentiaires),\*\*

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

TITRE I.—*Dispositions générales*

## ARTICLE PREMIER

La présente Convention s'appliquera, sans préjudice des stipulations du Titre VII:

\* Le texte français de la Convention est le texte authentique.—Pour une édition antérieure de la Convention voir *Recueil des Traités du Canada* 1933, n. 5.

\*\* Pour ces noms, voir *op. cit.*, *ibid.*

1) to all persons referred to in articles 1, 2 and 3 of the Regulations annexed to The Hague Convention of the 18th October, 1907, concerning the Laws and Customs of War on Land, who are captured by the enemy;\*

2) to all persons belonging to the armed forces of belligerents who are captured by the enemy in the course of operations of maritime or aerial war, subject to such exceptions (derogations) as the conditions of such capture render inevitable. Nevertheless these exceptions shall not infringe the fundamental principles of the present Convention; they shall cease from the moment when the captured persons shall have reached a prisoners-of-war camp.

## ARTICLE 2

Prisoners of war are in the power of the hostile Government, but not of the individuals or formations which captured them.

They shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity.

Measures of reprisal against them are forbidden.

## ARTICLE 3

Prisoners-of-war are entitled to respect for their persons and honour. Women shall be treated with all consideration due to their sex.

Prisoners retain their full civil capacity.

## ARTICLE 4

The detaining Power is required to provide for the maintenance of prisoners of war in its charge.

Differences of treatment between prisoners are permissible only if such differences are based on the military rank, the state of physical or mental health, the professional abilities, or the sex of those who benefit from them.

## PART II—*Capture*

### ARTICLE 5

Every prisoner of war is required to declare, if he is interrogated on the subject, his true names and rank, or his regimental number.

If he infringes this rule, he exposes himself to a restriction of the privileges accorded to prisoners of his category.

No pressure shall be exerted on prisoners to obtain information regarding the situation in their armed forces or their country. Prisoners who refuse to reply may not be threatened, insulted, or exposed to unpleasantness or disadvantages of any kind whatsoever.

\* The articles referred to are as follows:—

Art. 1.—The laws, rights and duties of war apply not only to the army but also to militia and volunteer corps fulfilling all the following conditions:—

1. They must be commanded by a person responsible for his subordinates;
2. They must have a fixed distinctive sign recognizable at a distance;
3. They must carry arms openly; and
4. They must conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination *army*.

Art. 2.—The inhabitants of a territory not under occupation, who, on the approach of the enemy spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

Art. 3.—The armed forces of the belligerents may consist of combatants and non-combatants. In the case of capture by the enemy, both have the right to be treated as prisoners of war.



1) à toutes les personnes visées par les articles 1er, 2 et 3 du règlement annexé à la Convention de La Haye concernant les lois et coutumes de la guerre sur terre, du 18 octobre 1907, et capturés par l'ennemi;\*

2) à toutes les personnes appartenant aux forces armées des parties belligérantes, capturées par l'ennemi au cours d'opérations de guerre maritimes ou aériennes, sous réserve des dérogations que les conditions de cette capture rendraient inévitables. Toutefois, ces dérogations ne devront pas porter atteinte aux principes fondamentaux de la présente Convention; elles prendront fin dès le moment où les personnes capturées auront rejoint un camp de prisonniers de guerre.

## ARTICLE 2

Les prisonniers de guerre sont au pouvoir de la Puissance ennemie, mais non des individus ou des corps de troupe qui les ont capturés.

Ils doivent être traités, en tout temps, avec humanité et être<sup>6</sup> protégés notamment contre les actes de violence, les insultes et la curiosité publique.

Les mesures de représailles à leur égard sont interdites.

## ARTICLE 3

Les prisonniers de guerre ont droit au respect de leur personnalité et de leur honneur. Les femmes seront traitées avec tous les égards dus à leur sexe.

Les prisonniers conservent leur pleine capacité civile.

## ARTICLE 4

La Puissance détentrice des prisonniers de guerre est tenue de pourvoir à leur entretien.

Des différences de traitement entre les prisonniers ne sont licites que si elles se basent sur le grade militaire, l'état de santé physique ou psychique, les aptitudes professionnelles ou le sexe de ceux qui en bénéficient.

## TITRE II.—*De la capture*

## ARTICLE 5

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade, ou bien son numéro matricule.

Dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de sa catégorie.

Aucune contrainte ne pourra être exercée sur les prisonniers pour obtenir des renseignements relatifs à la situation de leur armée ou de leur pays. Les prisonniers qui refuseront de répondre ne pourront être ni menacés, ni insultés, ni exposés à des désagréments ou désavantages de quelque nature que ce soit.

\* *Règlement annexé*: Art. 1er.—Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

- 1o d'avoir à leur tête une personne responsable pour ses subordonnés;
- 2o d'avoir un signe distinctif fixe et reconnaissable à distance;
- 3o de porter les armes ouvertement et
- 4o de se conformer dans leurs opérations aux lois et aux coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination d'*armée*.

Art. 2.—La population d'un territoire non occupé qui, à l'apparence de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion, sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle porte les armes ouvertement et si elle respecte les lois et coutumes de la guerre.

Art. 2.—Les forces armées des Parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.



If, by reason of his physical or mental condition, a prisoner is incapable of stating his identity, he shall be handed over to the medical service.

#### ARTICLE 6

All personal effects and articles in personal use—except arms, horses, military equipment and military papers—shall remain in the possession of prisoners of war, as well as their metal helmets and gas-masks.

Sums of money carried by prisoners may only be taken from them on the order of an officer and after the amount has been recorded. A receipt shall be given for them. Sums thus impounded shall be placed to the account of each prisoner.

Their identity tokens, badges of rank, decorations and articles of value may not be taken from prisoners.

### PART III.—*Captivity*

#### SECTION 1.—*Evacuation of Prisoners of War*

#### ARTICLE 7

As soon as possible after their capture, prisoners of war shall be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger.

Only prisoners who, by reason of their wounds or maladies, would run greater risks by being evacuated than by remaining may be kept temporarily in a dangerous zone.

Prisoners shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

The evacuation of prisoners on foot shall in normal circumstances be effected by stages of not more than 20 kilometres per day, unless the necessity for reaching water and food depots requires longer stages.

#### ARTICLE 8

Belligerents are required to notify each other of all captures of prisoners as soon as possible, through the intermediary of the Information Bureaux organized in accordance with Article 77. They are likewise required to inform each other of the official addresses to which letters from the prisoners' families may be addressed to the prisoners of war. As soon as possible, every prisoner shall be enabled to correspond personally with his family, in accordance with the conditions prescribed in Article 36 and the following articles.

As regards prisoners captured at sea, the provisions of the present article shall be observed as soon as possible after arrival in port.

#### SECTION II.—*Prisoners of War Camps*

#### ARTICLE 9

Prisoners of war may be interned in a town, fortress, or other place, and may be required not to go beyond certain fixed limits. They may also be interned in fenced camps; they shall not be confined or imprisoned except as a measure indispensable for safety or health, and only so long as circumstances exist which necessitate such a measure.

Prisoners captured in districts which are unhealthy or whose climate is deleterious to persons coming from temperate climates shall be removed as soon as possible to a more favourable climate.

Si, en raison de son état physique ou mental, un prisonnier est dans l'incapacité d'indiquer son identité, il sera confié au service de santé.

#### ARTICLE 6

Tous les effets et objets d'usage personnel—sauf les armes, les chevaux, l'équipement militaire et les papiers militaires—resteront en la possession des prisonniers de guerre, ainsi que les casques métalliques et les masques contre le gaz.

Les sommes dont sont porteurs les prisonniers ne pourront leur être enlevées que sur l'ordre d'un officier et après que leur montant aura été constaté. Un reçu en sera délivré. Les sommes ainsi enlevées devront être portées au compte de chaque prisonnier.

Les pièces d'identité, les insignes de grade, les décorations et les objets de valeur ne pourront être enlevés aux prisonniers.

### TITRE III.—*De la captivité*

#### SECTION I.—*De l'évacuation des prisonniers de guerre*

#### ARTICLE 7

Dans le plus bref délai possible après leur capture, les prisonniers de guerre seront évacués sur des dépôts situés dans une région assez éloignée de la zone de combat pour qu'ils se trouvent hors de danger.

Ne pourront être maintenus, temporairement, dans une zone dangereuse que les prisonniers qui, en raison de leurs blessures ou de leurs maladies, courraient de plus grands risques à être évacués qu'à rester sur place.

Les prisonniers ne seront pas inutilement exposés au danger, en attendant leur évacuation d'une zone de combat.

L'évacuation à pied des prisonniers ne pourra se faire normalement que par étapes de 20 kilomètres par jour, à moins que la nécessité d'atteindre les dépôts d'eau et de nourriture n'exige de plus longues étapes.

#### ARTICLE 8

Les belligérants sont tenus de se notifier réciproquement toute capture de prisonniers dans le plus bref délai possible, par l'intermédiaire des bureaux de renseignements, tels qu'ils sont organisés à l'article 77. Ils sont également tenus de s'indiquer mutuellement les adresses officielles auxquelles les correspondances des familles peuvent être adressées aux prisonniers de guerre.

Aussitôt que faire se pourra, tout prisonnier devra être mis en mesure de correspondre lui-même avec sa famille, dans les conditions prévues aux articles 36 et suivants.

En ce qui concerne les prisonniers capturés sur mer, les dispositions du présent article seront observées aussitôt que possible après l'arrivée au port.

#### SECTION II.—*Des camps de prisonniers de guerre*

#### ARTICLE 9

Les prisonniers de guerre pourront être internés dans une ville, forteresse ou localité quelconque, avec l'obligation de ne pas s'en éloigner au delà de certaines limites déterminées. Ils pourront également être internés dans des camps clôturés; ils ne pourront être enfermés ou consignés que par mesure indispensable de sûreté ou d'hygiène, et seulement pendant la durée des circonstances qui nécessitent cette mesure.

Les prisonniers capturés dans des régions malsaines ou dont le climat est pernicieux pour les personnes venant des régions tempérées seront transportés, aussitôt que possible, sous un climat plus favorable.



Belligerents shall as far as possible avoid bringing together in the same camp prisoners of different races or nationalities.

No prisoner may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from bombardment.

## CHAPTER 1.—*Installation of Camps*

### ARTICLE 10

Prisoners of war shall be lodged in buildings or huts which afford all possible safeguards as regards hygiene and salubrity.

The premises must be entirely free from damp, and adequately heated and lighted. All precautions shall be taken against the danger of fire.

As regards dormitories, their total, area, minimum cubic air space, fittings and bedding material, the conditions shall be the same as for the depot troops of the detaining Power.

## CHAPTER 2.—*Food and Clothing of Prisoners of War*

### ARTICLE 11

The food ration of prisoners of war shall be equivalent in quantity and quality to that of the depot troops.

Prisoners shall also be afforded the means of preparing for themselves such additional articles of food as they may possess.

Sufficient drinking water shall be supplied to them. The use of tobacco shall be authorized. Prisoners may be employed in the kitchens.

All collective disciplinary measures affecting food are prohibited.

### ARTICLE 12

Clothing, underwear and footwear shall be supplied to prisoners of war by the detaining Power. The regular replacement and repair of such articles shall be assured. Workers shall also receive working kit wherever the nature of the work requires it.

In all camps, canteens shall be installed at which prisoners shall be able to procure, at the local market price, food commodities and ordinary articles.

The profits accruing to the administrations of the camps from the canteens shall be utilized for the benefit of the prisoners.

## CHAPTER 3.—*Hygiene in Camps*

### ARTICLE 13

Belligerents shall be required to take all necessary hygienic measures to ensure the cleanliness and salubrity of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness.

In addition and without prejudice to the provision as far as possible of baths and shower-baths in the camps, the prisoners shall be provided with a sufficient quantity of water for their bodily cleanliness.

They shall have facilities for engaging in physical exercises and obtaining the benefit of being out of doors.



Les belligérants éviteront, autant que possible, de réunir dans un même camp des prisonniers de races ou de nationalités différentes.

Aucun prisonnier ne pourra, à quelque moment que ce soit, être renvoyé dans une région où il serait exposé au feu de la zone de combat, ni être utilisé pour mettre par sa présence certains points ou certaines régions à l'abri du bombardement.

## CHAPITRE PREMIER.—*De l'installation des camps*

### ARTICLE 10

Les prisonniers de guerre seront logés dans des bâtiments ou dans des baraquements présentant toutes garanties possibles d'hygiène et de salubrité.

Les locaux devront être entièrement à l'abri de l'humidité, suffisamment chauffés et éclairés. Toutes les précautions devront être prises contre les dangers d'incendie.

Quant aux dortoirs: surface totale, cube d'air minimum, aménagement et matériel de couchage, les conditions seront les mêmes que pour les troupes de dépôt de la Puissance détentrice.

## CHAPITRE 2.—*De la nourriture et de l'habillement des prisonniers de guerre*

### ARTICLE 11

La ration alimentaire des prisonniers de guerre sera équivalente en quantité et qualité à celle des troupes de dépôt.

Les prisonniers recevront, en outre, les moyens de préparer eux-mêmes les suppléments dont ils disposeraient.

De l'eau potable en suffisance leur sera fournie. L'usage du tabac sera autorisé. Les prisonniers pourront être employés aux cuisines.

Toutes mesures disciplinaires collectives portant sur la nourriture sont interdites.

### ARTICLE 12

L'habillement, le linge et les chaussures seront fournis aux prisonniers de guerre par la Puissance détentrice. Le remplacement et les réparations de ces effets devront être assurés régulièrement. En outre, les travailleurs devront recevoir une tenue de travail partout où la nature du travail l'exigera.

Dans tous les camps seront installées des cantines où les prisonniers pourront se procurer, aux prix du commerce local, des denrées alimentaires et des objets usuels.

Les bénéfices procurés par les cantines aux administrations des camps seront utilisés au profit des prisonniers.

## CHAPITRE 3.—*De l'hygiène dans les camps*

### ARTICLE 13

Les belligérants seront tenus de prendre toutes les mesures d'hygiène nécessaires pour assurer la propreté et la salubrité des camps et pour prévenir les épidémies.

Les prisonniers de guerre disposeront, jour et nuit, d'installations conformes aux règles de l'hygiène et maintenues en état constant de propreté.

En outre, et sans préjudice des bains et douches dont les camps seront pourvus dans la mesure du possible, il sera fourni aux prisonniers pour leurs soins de propreté corporelle une quantité d'eau suffisante.

Ils devront avoir la possibilité de se livrer à des exercices physiques et de bénéficier du plein air.

## ARTICLE 14

Each camp shall possess an infirmary, where prisoners of war shall receive attention of any kind of which they may be in need. If necessary, isolation establishments shall be reserved for patients suffering from infectious and contagious diseases.

The expenses of treatment, including those of temporary remedial apparatus, shall be borne by the detaining Power.

Belligerents shall be required to issue, on demand, to any prisoner treated, an official statement indicating the nature and duration of his illness and of the treatment received.

It shall be permissible for belligerents mutually to authorize each other, by means of special agreements, to retain in the camps doctors and medical orderlies for the purpose of caring for their prisoner compatriots.

Prisoners who have contracted a serious malady, or whose condition necessitates important surgical treatment, shall be admitted, at the expense of the detaining Power, to any military or civil institution qualified to treat them.

## ARTICLE 15

Medical inspections of prisoners of war shall be arranged at least once a month. Their object shall be the supervision of the general state of health and cleanliness, and the detection of infectious and contagious diseases, particularly tuberculosis and venereal complaints.

CHAPTER 4.—*Intellectual and Moral Needs of Prisoners of War*

## ARTICLE 16

Prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the routine and police regulations prescribed by the military authorities.

Ministers of religion, who are prisoners of war, whatever may be their denomination, shall be allowed freely to minister to their co-religionists.

## ARTICLE 17

Belligerents shall encourage as much as possible the organization of intellectual and sporting pursuits by the prisoners of war.

CHAPTER 5.—*Internal Discipline of Camps*

## ARTICLE 18

Each prisoners-of-war camp shall be placed under the authority of a responsible officer.

In addition to external marks of respect required by the regulations in force in their own armed forces with regard to their nationals, prisoners of war shall be required to salute all officers of the detaining Power.

Officer prisoners of war shall be required to salute only officers of that Power who are their superiors or equals in rank.

## ARTICLE 19

The wearing of badges of rank and decorations shall be permitted.

## ARTICLE 14

Chaque camp possèdera une infirmerie, où les prisonniers de guerre recevront les soins de toute nature dont ils pourront avoir besoin. Le cas échéant, des locaux d'isolement seront réservés aux malades atteints d'affections contagieuses.

Les frais de traitement, y compris ceux des appareils provisoires de prothèse, seront à la charge de la Puissance détentrice.

Les belligérants seront tenus de remettre, sur demande, à tout prisonnier traité une déclaration officielle indiquant la nature et la durée de sa maladie ainsi que les soins reçus.

Il sera loisible aux belligérants de s'autoriser mutuellement, par voie d'arrangements particuliers, à retenir dans les camps des médecins et infirmiers chargés de soigner leurs compatriotes prisonniers.

Les prisonniers atteints d'une maladie grave ou dont l'état nécessite une intervention chirurgicale importante, devront être admis, aux frais de la Puissance détentrice, dans toute formation militaire ou civile qualifiée pour les traiter.

## ARTICLE 15

Des inspections médicales des prisonniers de guerre seront organisées au moins une fois par mois. Elles auront pour objet le contrôle de l'état général de santé et de l'état de propreté, ainsi que le dépistage des maladies contagieuses, notamment de la tuberculose et des affections vénériennes.

CHAPITRE 4.—*Des besoins intellectuels et moraux des prisonniers de guerre*

## ARTICLE 16

Toute latitude sera laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

Les ministres d'un culte, prisonniers de guerre, quelle que soit la dénomination de ce culte, seront autorisés à exercer pleinement leur ministère parmi leurs coreligionnaires.

## ARTICLE 17

Les belligérants encourageront le plus possible les distractions intellectuelles et sportives organisées par les prisonniers de guerre.

CHAPITRE 5.—*De la discipline intérieure des camps*

## ARTICLE 18

Chaque camp de prisonniers de guerre sera placé sous l'autorité d'un officier responsable.

Outre les marques extérieures de respect prévues par les règlements en vigueur dans leurs armées à l'égard de leurs nationaux, les prisonniers de guerre devront le salut à tous les officiers de la Puissance détentrice.

Les officiers prisonniers de guerre ne seront tenus de saluer que les officiers de grade supérieur ou égal de cette Puissance.

## ARTICLE 19

Le port des insignes de grade et des décorations sera autorisé.



## ARTICLE 20

Regulations, orders, announcements and publications of any kind shall be communicated to prisoners of war in a language which they understand. The same principle shall be applied to questions.

CHAPTER 6.—*Special Provisions Concerning Officers and Persons of Equivalent Status.*

## ARTICLE 21

At the commencement of hostilities, belligerents shall be required reciprocally to inform each other of the titles and ranks in use in their respective armed forces, with the view of ensuring equality of treatment between the corresponding ranks of officers and persons of equivalent status.

Officers and persons of equivalent status who are prisoners of war shall be treated with due regard to their rank and age.

## ARTICLE 22

In order to ensure the service of officers' camps, soldier prisoners of war of the same armed forces, and as far as possible speaking the same language, shall be detached for service therein in sufficient number, having regard to the rank of the officers and persons of equivalent status.

Officers and persons of equivalent status shall procure their food and clothing from the pay to be paid to them by the detaining Power. The management of a mess by officers themselves shall be facilitated in every way.

CHAPTER 7.—*Pecuniary Resources of Prisoners of War*

## ARTICLE 23

Subject to any special arrangements made between the belligerent Powers, and particularly those contemplated in Article 24, officers and persons of equivalent status who are prisoners of war shall receive from the detaining Power the same pay as officers of corresponding rank in the armed forces of that Power, provided, however, that such pay does not exceed that to which they are entitled in the armed forces of the country in whose service they have been. This pay shall be paid to them in full, once a month if possible, and no deduction therefrom shall be made for expenditure devolving upon the detaining Power, even if such expenditure is incurred on their behalf.

An agreement between the belligerents shall prescribe the rate of exchange applicable to this payment; in default of such agreement, the rate of exchange adopted shall be that in force at the moment of the commencement of hostilities.

All advances made to prisoners of war by way of pay shall be reimbursed, at the end of hostilities, by the Power in whose service they were.

## ARTICLE 24

At the commencement of hostilities, belligerents shall determine by common accord the maximum amount of cash which prisoners of war of various ranks and categories shall be permitted to retain in their possession. Any excess withdrawn or withheld from a prisoner, and any deposit of money effected by him, shall be carried to his account, and may not be converted into another currency without his consent.

The credit balances of their accounts shall be paid to the prisoners of war at the end of their captivity.

During the continuance of the latter, facilities shall be accorded to them for the transfer of these amounts, wholly or in part, to banks or private individuals in their country of origin.

## ARTICLE 20

Les règlements, ordres, avertissements et publications de toute nature devront être communiqués aux prisonniers de guerre dans une langue qu'ils comprennent. Le même principe sera appliqué aux interrogatoires.

CHAPITRE 6.—*Dispositions spéciales concernant les officiers et assimilés*

## ARTICLE 21

Dès le début des hostilités, les belligérants seront tenus de se communiquer réciproquement les titres et les grades en usage dans leurs armées respectives, en vue d'assurer l'égalité de traitement entre les officiers et assimilés de grades équivalents.

Les officiers et assimilés prisonniers de guerre seront traités avec les égards dus à leur grade et à leur âge.

## ARTICLE 22

En vue d'assurer le service des camps d'officiers, des soldats prisonniers de guerre de la même armée, et autant que possible parlant la même langue, y seront détachés, en nombre suffisant en tenant compte du grade des officiers et assimilés.

Ceux-ci se procureront leur nourriture et leurs vêtements sur la solde qui leur sera versée par la Puissance détentrice. La gestion de l'ordinaire par les officiers eux-mêmes devra être favorisée de toute manière.

CHAPITRE 7.—*Des ressources pécuniaires des prisonniers de guerre*

## ARTICLE 23

Sous réserve d'arrangements particuliers entre les Puissances belligérantes, et notamment de ceux prévus à l'article 24, les officiers et assimilés prisonniers de guerre recevront de la Puissance détentrice la même solde que les officiers de grade correspondant dans les armées de cette Puissance, sous condition, toutefois, que cette solde ne dépasse pas celle à laquelle ils ont droit dans les armées du pays qu'ils ont servi. Cette solde leur sera versée intégralement, une fois par mois si possible, et sans qu'il puisse être fait aucune déduction pour des dépenses incombant à la Puissance détentrice, alors même qu'elles seraient en leur faveur.

Un accord entre les belligérants fixera le taux du change applicable à ce paiement; à défaut de pareil accord, le taux adopté sera celui en vigueur au moment de l'ouverture des hostilités.

Tous les versements effectués aux prisonniers de guerre à titre de solde devront être remboursés, à la fin des hostilités, par la Puissance qu'ils ont servie.

## ARTICLE 24

Dès le début des hostilités, les belligérants fixeront d'un commun accord le montant maximum d'argent comptant que les prisonniers de guerre des divers grades et catégories seront autorisés à conserver par devers eux. Tout excédent retiré ou retenu à un prisonnier sera, de même que tout dépôt d'argent effectué par lui, porté à son compte, et ne pourra être converti en une autre monnaie sans son assentiment.

Les soldes créditeurs de leurs comptes seront versés aux prisonniers de guerre à la fin de leur captivité.

Pendant la durée de celle-ci, des facilités leur seront accordées pour le transfert de ces sommes, en tout ou partie, à des banques ou à des particuliers dans leur pays d'origine.



CHAPTER 8.—*Transfer of Prisoners of War*

## ARTICLE 25

Unless the course of military operations demands it, sick and wounded prisoners of war shall not be transferred if their recovery might be prejudiced by the journey.

## ARTICLE 26

In the event of transfer, prisoners of war shall be officially informed in advance of their new destination; they shall be authorized to take with them their personal effects, their correspondence and parcels which have arrived for them.

All necessary arrangements shall be made so that correspondence and parcels addressed to their former camp shall be sent on to them without delay.

The sums credited to the account of transferred prisoners shall be transmitted to the competent authority of their new place of residence.

Expenses incurred by the transfers shall be borne by the detaining Power.

SECTION III.—*Work of Prisoners of War*CHAPTER 1.—*General*

## ARTICLE 27

Belligerents may employ as workmen prisoners of war who are physically fit, other than officers and persons of equivalent status, according to their rank and their ability.

Nevertheless, if officers or persons of equivalent status ask for suitable work, this shall be found for them as far as possible.

Non-commissioned officers who are prisoners of war may be compelled to undertake only supervisory work, unless they expressly request remunerative occupation.

During the whole period of captivity, belligerents are required to admit prisoners of war who are victims of accidents at work to the benefit of provisions applicable to workmen of the same category under the legislation of the detaining Power. As regards prisoners of war to whom these legal provisions could not be applied by reason of the legislation of that Power, the latter undertakes to recommend to its legislative body all proper measures for the equitable compensation of the victims.

CHAPTER 2.—*Organization of Work*

## ARTICLE 28

The detaining Power shall assume entire responsibility for the maintenance, care, treatment and the payment of the wages of prisoners of war working for private individuals.

## ARTICLE 29

No prisoner of war may be employed on work for which he is physically unsuited.

## ARTICLE 30

The duration of the daily work of prisoners of war, including the time of the journey to and from work, shall not be excessive and shall in no case exceed that permitted for civil workers of the locality employed on the same work. Each prisoner shall be allowed a rest of twenty-four consecutive hours each week, preferably on Sunday.



CHAPITRE 8.—*Du transfert des prisonniers de guerre*

## ARTICLE 25

A moins que la marche des opérations militaires ne l'exige, les prisonniers de guerre malades et blessés ne seront pas transférés tant que leur guérison pourrait être compromise par le voyage.

## ARTICLE 26

En cas de transfert, les prisonniers de guerre seront avisés au préalable officiellement de leur nouvelle destination; ils seront autorisés à emporter leurs effets personnels, leur correspondance et les colis arrivés à leur adresse.

Toutes dispositions utiles seront prises pour que la correspondance et les colis adressés à leur ancien camp leur soient transmis sans délai.

Les sommes déposées au compte des prisonniers transférés seront transmises à l'autorité compétente du lieu de leur nouvelle résidence.

Les frais causés par les transferts seront à la charge de la Puissance détentricice.

SECTION III.—*Du travail des prisonniers de guerre*CHAPITRE PREMIER.—*Généralités*

## ARTICLE 27

Les belligérants pourront employer comme travailleurs les prisonniers de guerre valides, selon leur grade et leurs aptitudes, à l'exception des officiers et assimilés.

Toutefois, si des officiers ou assimilés demandent un travail qui leur convienne, celui-ci leur sera procuré dans la mesure du possible.

Les sous-officiers prisonniers de guerre ne pourront être astreints qu'à des travaux de surveillance, à moins qu'ils ne fassent la demande expresse d'une occupation rémunératrice.

Les belligérants seront tenus de mettre, pendant toute la durée de la captivité, les prisonniers de guerre victimes d'accidents du travail au bénéfice des dispositions applicables aux travailleurs de même catégorie selon la législation de la Puissance détentricice. En ce qui concerne les prisonniers de guerre auxquels ces dispositions légales ne pourraient être appliquées en raison de la législation de cette Puissance, celle-ci s'engage à recommander à son corps législatif toutes mesures propres à indemniser équitablement les victimes.

CHAPITRE 2.—*De l'organisation du travail*

## ARTICLE 28

La Puissance détentricice assumera l'entière responsabilité de l'entretien, des soins, du traitement et du paiement des salaires des prisonniers de guerre travaillant pour le compte de particuliers.

## ARTICLE 29

Aucun prisonnier de guerre ne pourra être employé à des travaux auxquels il est physiquement inapte.

## ARTICLE 30

La durée du travail journalier des prisonniers de guerre, y compris celle du trajet d'aller et de retour, ne sera pas excessive et ne devra, en aucun cas, dépasser celle admise pour les ouvriers civils de la région employés au même travail. Il sera accordé à chaque prisonnier un repos de vingt-quatre heures consécutives chaque semaine, de préférence le dimanche.

CHAPTER 3.—*Prohibited Work*

## ARTICLE 31

Work done by prisoners of war shall have no direct connection with the operations of the war. In particular, it is forbidden to employ prisoners in the manufacture or transport of arms or munitions of any kind, or on the transport of material destined for combatant units.

In the event of violation of the provisions of the preceding paragraph, prisoners are at liberty, after performing or commencing to perform the order, to have their complaints presented through the intermediary of the prisoners' representatives whose functions are described in articles 43 and 44, or, in the absence of a prisoners' representative, through the intermediary of the representatives of the protecting Power.

## ARTICLE 32

It is forbidden to employ prisoners of war on unhealthy or dangerous work.

Conditions of work shall not be rendered more arduous by disciplinary measures.

CHAPTER 4.—*Labour Detachments*

## ARTICLE 33

Conditions governing labour detachments shall be similar to those of prisoners-of-war camps, particularly as concerns hygienic conditions, food, care in case of accidents or sickness, correspondence, and the reception of parcels.

Every labour detachment shall be attached to a prisoners' camp. The commandant of this camp shall be responsible for the observance in the labour detachment of the provisions of the present Convention.

CHAPTER 5.—*Pay*

## ARTICLE 34

Prisoners of war shall not receive pay for work in connection with the administration, internal arrangement and maintenance of camps.

Prisoners employed on other work shall be entitled to a rate of pay, to be fixed by agreements between the belligerents.

These arrangements shall also specify the portion which may be retained by the camp administration, the amount which shall belong to the prisoner of war and the manner in which this amount shall be placed at his disposal during the period of his captivity.

Pending the conclusion of the said agreements, remuneration of the work of prisoners shall be fixed according to the following standards:—

a) Work done for the State shall be paid for according to the rates in force for soldiers of the national forces doing the same work, or, if no such rates exist, according to a tariff corresponding to the work executed.

b) When the work is done for other public administrations or for private individuals, the conditions shall be settled in agreement with the military authorities.

The pay which remains to the credit of a prisoner shall be remitted to him on the termination of his captivity. In case of death, it shall be remitted through the diplomatic channel to the heirs of the deceased.



CHAPITRE 3.—*Du travail prohibé*

## ARTICLE 31

Les travaux fournis par les prisonniers de guerre n'auront aucun rapport direct avec les opérations de la guerre. En particulier, il est interdit d'employer des prisonniers à la fabrication et au transport d'armes ou de munitions de toute nature, ainsi qu'au transport de matériel destiné à des unités combattantes.

En cas de violation des dispositions de l'alinéa précédent, les prisonniers ont la latitude, après exécution ou commencement d'exécution de l'ordre, de faire présenter leurs réclamations par l'intermédiaire des hommes de confiance dont les fonctions sont prévues aux articles 43, 44, ou à défaut d'homme de confiance, par l'intermédiaire des représentants de la Puissance protectrice.

## ARTICLE 32

Il est interdit d'employer des prisonniers de guerre à des travaux insalubres ou dangereux.

Toute aggravation des conditions du travail par mesure disciplinaire est interdite.

CHAPITRE 4. — *Des détachements de travail*

## ARTICLE 33

Le régime des détachements de travail devra être semblable à celui des camps de prisonniers de guerre, en particulier en ce qui concerne les conditions hygiéniques, la nourriture, les soins en cas d'accident ou de maladie, la correspondance et la réception des colis.

Tout détachement de travail relèvera d'un camp de prisonniers. Le commandant de ce camp sera responsable de l'observation, dans le détachement de travail, des dispositions de la présente Convention.

CHAPITRE 5. — *Du salaire*

## ARTICLE 34

Les prisonniers de guerre ne recevront pas de salaire pour les travaux concernant l'administration, l'aménagement et l'entretien des camps.

Les prisonniers employés à d'autres travaux auront droit à un salaire à fixer par des accords entre les belligérants.

Ces accords spécifieront également la part que l'administration du camp pourra retenir, la somme qui appartiendra au prisonnier de guerre et la manière dont cette somme sera mise à sa disposition pendant la durée de sa captivité.

En attendant la conclusion desdits accords, la rétribution du travail des prisonniers sera fixée selon les normes ci-dessous.

a) Les travaux faits pour l'Etat seront payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux, ou, s'il n'en existe pas, d'après un tarif en rapport avec les travaux exécutés.

b) Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en seront réglées d'accord avec l'autorité militaire.

Le solde restant au crédit du prisonnier lui sera remis à la fin de sa captivité. En cas de décès, il sera transmis par la voie diplomatique aux héritiers du défunt.



SECTION IV.—*Relations of Prisoners of War with the Exterior*

## ARTICLE 35

On the commencement of hostilities, belligerents shall publish the measures prescribed for the execution of the provisions of the present section.

## ARTICLE 36

Each of the belligerents shall fix periodically the number of letters and postcards which prisoners of war of different categories shall be permitted to send per month, and shall notify that number to the other belligerent. These letters and cards shall be sent by post by the shortest route. They may not be delayed or withheld for disciplinary motives.

Not later than one week after his arrival in camp, and similarly in case of sickness, each prisoner shall be enabled to send a post-card to his family informing them of his capture and the state of his health. The said post-cards shall be forwarded as quickly as possible and shall not be delayed in any manner.

As a general rule, the correspondence of prisoners shall be written in their native language. Belligerents may authorize correspondence in other languages.

## ARTICLE 37

Prisoners of war shall be authorized to receive individually postal parcels containing foodstuffs and other articles intended for consumption or clothing. The parcels shall be delivered to the addressees and a receipt given.

## ARTICLE 38

Letters and remittances of money or valuables, as well as postal parcels addressed to prisoners of war, or despatched by them, either directly or through the intermediary of the information bureaux mentioned in article 77, shall be exempt from all postal charges in the countries of origin and destination and in the countries through which they pass.

Presents and relief in kind intended for prisoners of war shall also be exempt from all import or other duties, as well as any charges for carriage on railways operated by the State.

Prisoners may, in cases of recognized urgency, be authorized to send telegrams on payment of the usual charges.

## ARTICLE 39

Prisoners of war shall be permitted to receive individually consignments of books which may be subject to censorship.

Representatives of the protecting Powers and of duly recognized and authorized relief societies may send works and collections of books to the libraries of prisoners' camps. The transmission of such consignments to libraries may not be delayed under pretext of difficulties of censorship.

## ARTICLE 40

The censoring of correspondence shall be accomplished as quickly as possible. The examination of postal parcels shall, moreover, be effected under such conditions as will ensure the preservation of any foodstuffs which they may contain, and, if possible, be done in the presence of the addressee or of a representative duly recognized by him.

SECTION IV. — *Des relations des prisonniers de guerre avec l'extérieur*

## ARTICLE 35

Dès le début des hostilités, les belligérants publieront les mesures prévues pour l'exécution des dispositions de la présente section.

## ARTICLE 36

Chacun des belligérants fixera périodiquement le nombre des lettres et des cartes postales que les prisonniers de guerre des diverses catégories seront autorisés à expédier par mois, et notifiera ce nombre à l'autre belligérant. Ces lettres et cartes seront transmises par la poste suivant la voie la plus courte. Elles ne pourront être retardées ni retenues pour motifs de discipline.

Dans le délai maximum d'une semaine après son arrivée au camp et de même en cas de maladie, chaque prisonnier sera mis en mesure d'adresser à sa famille une carte postale l'informant de sa capture et de l'état de sa santé. Les dites cartes postales seront transmises avec toute la rapidité possible et ne pourront être retardées d'aucune manière.

En règle générale, la correspondance des prisonniers sera rédigée dans la langue maternelle de ceux-ci. Les belligérants pourront autoriser la correspondance en d'autres langues.

## ARTICLE 37

Les prisonniers de guerre seront autorisés à recevoir individuellement des colis postaux contenant des denrées alimentaires et d'autres articles destinés à leur ravitaillement ou à leur habillement. Les colis seront remis aux destinataires contre quittance.

## ARTICLE 38

Les lettres et envois d'argent ou de valeurs, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, soit directement, soit par l'intermédiaire des bureaux de renseignements prévus à l'article 77, seront affranchis de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les dons et secours en nature destinés aux prisonniers seront pareillement affranchis de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'Etat.

Les prisonniers pourront, en cas d'urgence reconnue, être autorisés à expédier des télégrammes, contre paiement des taxes usuelles.

## ARTICLE 39

Les prisonniers de guerre seront autorisés à recevoir individuellement des envois de livres, qui pourront être soumis à la censure.

Les représentants des Puissances protectrices et des sociétés de secours dûment reconnues et autorisées pourront envoyer des ouvrages et des collections de livres aux bibliothèques des camps de prisonniers. La transmission de ces envois aux bibliothèques ne pourra être retardée sous prétexte de difficultés de censure.

## ARTICLE 40

La censure des correspondances devra être faite dans le plus bref délai possible. Le contrôle des envois postaux devra, en outre, s'effectuer dans des conditions propres à assurer la conservation des denrées qu'ils pourront contenir et, si possible, en présence du destinataire ou d'un homme de confiance dûment reconnu par lui.



Any prohibition of correspondence ordered by the belligerents, for military or political reasons, shall only be of a temporary character and shall also be for as brief a time as possible.

#### ARTICLE 41

Belligerents shall accord all facilities for the transmission of documents destined for prisoners of war or signed by them, in particular powers of attorney and wills.

They shall take the necessary measures to secure, in case of need, the legalization of signatures of prisoners.

### SECTION V.—*Relations Between Prisoners of War and the Authorities*

#### CHAPTER 1.—*Complaints of Prisoners of War Respecting the Conditions of Captivity*

##### ARTICLE 42

Prisoners of war shall have the right to bring to the notice of the military authorities, in whose hands they are, their petitions concerning the conditions of captivity to which they are subjected.

They shall also have the right to communicate with the representatives of the protecting Powers in order to draw their attention to the points on which they have complaints to make with regard to the conditions of captivity.

Such petitions and complaints shall be transmitted immediately.

Even though they are found to be groundless, they shall not give rise to any punishment.

#### CHAPTER 2.—*Representatives of Prisoners of War*

##### ARTICLE 43

In any locality where there may be prisoners of war, they shall be authorized to appoint representatives to represent them before the military authorities and the protecting Powers.

Such appointments shall be subject to the approval of the military authorities.

The prisoners' representatives shall be charged with the reception and distribution of collective consignments. Similarly, in the event of the prisoners deciding to organize amongst themselves a system of mutual aid, such organization shall be one of the functions of the prisoners' representatives. On the other hand, the latter may offer their services to prisoners to facilitate their relations with the relief societies mentioned in Article 78.

In camps of officers and persons of equivalent status the senior officer prisoner of the highest rank shall be recognized as intermediary between the camp authorities and the officers and similar persons who are prisoners. For this purpose he shall have the power to appoint an officer prisoner to assist him as interpreter in the course of conferences with the authorities of the camp.

##### ARTICLE 44

When the prisoners' representatives are employed as workmen, their work as representatives of the prisoners of war shall be reckoned in the compulsory period of labour.

All facilities shall be accorded to the prisoners' representatives for their correspondence with the military authorities and the protecting Power. Such correspondence shall not be subject to any limitation.

No prisoners' representative may be transferred without his having been allowed the time necessary to acquaint his successors with the current business.



Les interdictions de correspondance édictées par les belligérants, pour des raisons militaires ou politiques, ne pourront avoir qu'un caractère momentané et devront être aussi brèves que possible.

#### ARTICLE 41

Les belligérants assureront toutes facilités pour la transmission des actes, pièces ou documents destinés aux prisonniers de guerre ou signés par eux, en particulier des procurations et des testaments.

Ils prendront les mesures nécessaires pour assurer, en cas de besoin, la légalisation des signatures données par les prisonniers.

### SECTION V.—*Des rapports des prisonniers de guerre avec les autorités*

#### CHAPITRE PREMIER. — *Des plaintes des prisonniers de guerre à raison du régime de la captivité*

#### ARTICLE 42

Les prisonniers de guerre auront le droit de faire connaître aux autorités militaires sous le pouvoir desquelles ils se trouvent leurs requêtes concernant le régime de captivité auquel ils sont soumis.

Ils auront également le droit de s'adresser aux représentants des Puissances protectrices pour leur signaler les points sur lesquels ils auraient des plaintes à formuler à l'égard du régime de la captivité.

Ces requêtes et réclamations devront être transmises d'urgence.

Même si elles sont reconnues non fondées, elles ne pourront donner lieu à aucune punition.

#### CHAPITRE 2. — *Des représentants des prisonniers de guerre*

#### ARTICLE 43

Dans toute localité où se trouveront des prisonniers de guerre, ceux-ci seront autorisés à désigner des hommes de confiance chargés de les représenter vis-à-vis des autorités militaires et des Puissances protectrices.

Cette désignation sera soumise à l'approbation de l'autorité militaire.

Les hommes de confiance seront chargés de la réception et de la répartition des envois collectifs. De même, au cas où les prisonniers décideraient d'organiser entre eux un système d'assistance mutuelle, cette organisation serait de la compétence des hommes de confiance. D'autre part, ceux-ci pourront prêter leurs offices aux prisonniers pour faciliter leurs relations avec les sociétés de secours mentionnées à l'article 78.

Dans les camps d'officiers et assimilés, l'officier prisonnier de guerre le plus ancien dans le grade le plus élevé sera reconnu comme intermédiaire entre les autorités du camp et les officiers et assimilés prisonniers. A cet effet, il aura la faculté de désigner un officier prisonnier pour l'assister en qualité d'interprète au cours des conférences avec les autorités du camp.

#### ARTICLE 44

Lorsque les hommes de confiance seront employés comme travailleurs, leur activité comme représentants des prisonniers de guerre devra être comptée dans la durée obligatoire du travail.

Toutes facilités seront accordées aux hommes de confiance pour leur correspondance avec les autorités militaires et avec la Puissance protectrice. Cette correspondance ne sera pas limitée.

Aucun représentant des prisonniers ne pourra être transféré sans que le temps nécessaire lui ait été laissé pour mettre ses successeurs au courant des affaires en cours.

CHAPTER 3.—*Penal Sanctions with regard to Prisoners of War*1.—*General Provisions*

## ARTICLE 45

Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the detaining Power.

Any act of insubordination shall render them liable to the measures prescribed by such laws, regulations, and orders, except as otherwise provided in this Chapter.

## ARTICLE 46

Prisoners of war shall not be subjected by the military authorities or the tribunals of the detaining Power to penalties other than those which are prescribed for similar acts by members of the national forces.

Officers, non-commissioned officers or private soldiers, prisoners of war, undergoing disciplinary punishment shall not be subjected to treatment less favourable than that prescribed, as regards the same punishment, for similar ranks in the armed forces of the detaining Power.

All forms of corporal punishment, confinement in premises not lighted by daylight and, in general, all forms of cruelty whatsoever are prohibited.

Collective penalties for individual acts are also prohibited.

## ARTICLE 47

A statement of the facts in cases of acts constituting a breach of discipline, and particularly an attempt to escape, shall be drawn up in writing without delay. The period during which prisoners of war of whatever rank are detained in custody (pending the investigation of such offences) shall be reduced to a strict minimum.

The judicial proceedings against a prisoner of war shall be conducted as quickly as circumstances will allow. The period during which prisoners shall be detained in custody shall be as short as possible.

In all cases the period during which a prisoner is under arrest (awaiting punishment or trial) shall be deducted from the sentence, whether disciplinary or judicial, provided such deduction is permitted in the case of members of the national forces.

## ARTICLE 48

After undergoing the judicial or disciplinary punishment which has been inflicted on them, prisoners of war shall not be treated differently from other prisoners.

Nevertheless, prisoners who have been punished as the result of an attempt to escape may be subjected to a special regime of surveillance, but this shall not involve the suppression of any of the safeguards accorded to prisoners by the present Convention.

## ARTICLE 49

No prisoner of war may be deprived of his rank by the detaining Power.

Prisoners on whom disciplinary punishment is inflicted shall not be deprived of the privileges attaching to their rank. In particular, officers and persons of equivalent status who suffer penalties entailing deprivation of liberty shall not be placed in the same premises as non-commissioned officers or private soldiers undergoing punishment.



CHAPITRE 3. — *Des sanctions pénales à l'égard des prisonniers de guerre*1. — *Dispositions générales*

## ARTICLE 45

Les prisonniers de guerre seront soumis aux lois, règlements et ordres en vigueur dans les armées de la Puissance détentrice.

Tout acte d'insubordination autorisera à leur égard les mesures prévues par ces lois, règlements et ordres.

Demeurent réservées, toutefois, les dispositions du présent chapitre.

## ARTICLE 46

Les prisonniers de guerre ne pourront être frappés par les autorités militaires et les tribunaux de la Puissance détentrice d'autres peines que celles qui sont prévues pour les mêmes faits à l'égard des militaires des armées nationales.

A identité de grade, les officiers, sous-officiers ou soldats prisonniers de guerre, subissant une peine disciplinaire ne seront pas soumis à un traitement moins favorable que celui prévu, en ce qui concerne la même peine, dans les armées de la Puissance détentrice.

Sont interdites toute peine corporelle, toute incarcération dans des locaux non éclairés par la lumière du jour et, d'une manière générale, toute forme quelconque de cruauté.

Sont également interdites les peines collectives pour des actes individuels.

## ARTICLE 47

Les faits constituant une faute contre la discipline, et notamment la tentative d'évasion, seront constatés d'urgence; pour tous les prisonniers de guerre, gradés ou non, les arrêts préventifs seront réduits au strict minimum.

Les instructions judiciaires contre les prisonniers de guerre seront conduites aussi rapidement que le permettront les circonstances; la détention préventive sera restreinte le plus possible.

Dans tous les cas, la durée de la détention préventive sera déduite de la peine infligée disciplinairement ou judiciairement, pour autant que cette déduction est admise pour les militaires nationaux.

## ARTICLE 48

Les prisonniers de guerre ne pourront, après avoir subi les peines judiciaires ou disciplinaires qui leur auront été infligées, être traités différemment des autres prisonniers.

Toutefois, les prisonniers punis à la suite d'une tentative d'évasion pourront être soumis à un régime de surveillance spécial, mais qui ne pourra comporter la suppression d'aucune des garanties accordées aux prisonniers par la présente Convention.

## ARTICLE 49

Aucun prisonnier de guerre ne peut être privé de son grade par la Puissance détentrice.

Les prisonniers punis disciplinairement ne pourront être privés des prérogatives attachées à leur grade. En particulier, les officiers et assimilés qui subiront des peines entraînant privation de liberté ne seront pas placés dans les mêmes locaux que les sous-officiers ou hommes de troupe punis.



## ARTICLE 50

Escaped prisoners of war who are re-captured before they have been able to rejoin their own armed forces or to leave the territory occupied by the armed forces which captured them shall be liable only to disciplinary punishment.

Prisoners who, after succeeding in rejoining their armed forces or in leaving the territory occupied by the armed forces which captured them, are again taken prisoner shall not be liable to any punishment for their previous escape.

## ARTICLE 51

Attempted escape, even if it is not a first offence, shall not be considered as an aggravation of the offence in the event of the prisoner of war being brought before the courts for crimes or offences against persons or property committed in the course of such attempt.

After an attempted or successful escape, the comrades of the escaped person who aided the escape shall incur only disciplinary punishment therefor.

## ARTICLE 52

Belligerents shall ensure that the competent authorities exercise the greatest leniency in considering the question whether an offence committed by a prisoner of war should be punished by disciplinary or by judicial measures.

This provision shall be observed in particular in appraising facts in connection with escape or attempted escape.

A prisoner shall not be punished more than once for the same act or on the same charge.

## ARTICLE 53

No prisoner who has been awarded any disciplinary punishment for an offence and who fulfils the conditions laid down for repatriation shall be retained on the ground that he has not undergone his punishment.

Prisoners qualified for repatriation against whom any prosecution for a criminal offence has been brought may be excluded from repatriation until the termination of the proceedings and until fulfilment of their sentence, if any; prisoners already serving a sentence of imprisonment may be retained until the expiry of the sentence.

Belligerents shall communicate to each other lists of those who cannot be repatriated for the reasons indicated in the preceding paragraph.

*2.—Disciplinary Punishments*

## ARTICLE 54

Imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war.

The duration of any single punishment shall not exceed thirty days.

This maximum of thirty days shall, moreover, not be exceeded in the event of there being several acts for which the prisoner is answerable to discipline at the time when his case is disposed of, whether such acts are connected or not.

Where, during the course or after the termination of a period of imprisonment, a prisoner is sentenced to a fresh disciplinary penalty, a period of at least three days shall intervene between each of the periods of imprisonment, if one of such periods is of ten days or over.

## ARTICLE 50

Les prisonniers de guerre évadés qui seraient repris avant d'avoir pu rejoindre leur armée ou quitter le territoire occupé par l'armée qui les a capturés ne seront passibles que de peines disciplinaires.

Les prisonniers qui, après avoir réussi à rejoindre leur armée ou à quitter le territoire occupé par l'armée qui les a capturés, seraient de nouveau faits prisonniers, ne seront passibles d'aucune peine pour leur fuite antérieure.

## ARTICLE 51

La tentative d'évasion, même s'il y a récidive, ne sera pas considérée comme une circonstance aggravante dans le cas où le prisonnier de guerre serait déféré aux tribunaux pour des crimes ou délits contre les personnes ou contre la propriété commis au cours de cette tentative.

Après une évasion tentée ou consommée, les camarades de l'évadé qui auront coopéré à l'évasion ne pourront encourir de ce chef qu'une punition disciplinaire.

## ARTICLE 52

Les belligérants veilleront à ce que les autorités compétentes usent de la plus grande indulgence dans l'appréciation de la question de savoir si une infraction commise par un prisonnier de guerre doit être punie disciplinairement ou judiciairement.

Il en sera notamment ainsi lorsqu'il s'agira d'apprécier des faits connexes à l'évasion ou à la tentative d'évasion.

Un prisonnier ne pourra, à raison du même fait ou du même chef d'accusation, être puni qu'une seule fois.

## ARTICLE 53

Aucun prisonnier de guerre frappé d'une peine disciplinaire, qui se trouverait dans les conditions prévues pour le rapatriement, ne pourra être retenu pour la raison qu'il n'a pas subi sa peine.

Les prisonniers à rapatrier qui seraient sous le coup d'une poursuite pénale pourront être exclus du rapatriement jusqu'à la fin de la procédure, et, le cas échéant, jusqu'à l'exécution de la peine; ceux qui seraient déjà détenus en vertu d'un jugement pourront être retenus jusqu'à la fin de leur détention.

Les belligérants se communiqueront les listes de ceux qui ne pourront être rapatriés pour les motifs indiqués à l'alinéa précédent.

2. — *Peines disciplinaires*

## ARTICLE 54

Les arrêts sont la peine disciplinaire la plus sévère qui puisse être infligée à un prisonnier de guerre.

La durée d'une même punition ne peut dépasser trente jours.

Ce maximum de trente jours ne pourra pas davantage être dépassé dans le cas de plusieurs faits dont un prisonnier aurait à répondre disciplinairement au moment où il est statué à son égard, que ces faits soient connexes ou non.

Lorsqu'au cours ou après la fin d'une période d'arrêts, un prisonnier sera frappé d'une nouvelle peine disciplinaire, un délai de trois jours au moins séparera chacune des périodes d'arrêts, dès que l'une d'elles est de dix jours ou plus.



## ARTICLE 55

Subject to the provisions of the last paragraph of article 11, the restrictions in regard to food permitted in the armed forces of the detaining Power may be applied, as an additional penalty, to prisoners of war undergoing disciplinary punishment.

Such restrictions shall, however, only be ordered if the state of the prisoner's health permits.

## ARTICLE 56

In no case shall prisoners of war be transferred to penitentiary establishments (prisons, penitentiaries, convict establishments, etc.) in order to undergo disciplinary sentence there.

Establishments in which disciplinary sentences are undergone shall conform to the requirements of hygiene.

Facilities shall be afforded to prisoners undergoing sentence to keep themselves in a state of cleanliness.

Every day, such prisoners shall have facilities for taking exercise or for remaining out of doors for at least two hours.

## ARTICLE 57

Prisoners of war undergoing disciplinary punishment shall be permitted to read and write, and to send and receive letters.

On the other hand, it shall be permissible not to deliver parcels and remittances of money to the addressees until the expiration of the sentence. If the undelivered parcels contain perishable foodstuffs, these shall be handed over to the infirmary or to the camp kitchen.

## ARTICLE 58

Prisoners of war undergoing disciplinary punishment shall be permitted, on their request, to present themselves for daily medical inspection. They shall receive such attention as the medical officers may consider necessary, and, if need be, shall be evacuated to the camp infirmary or to hospital.

## ARTICLE 59

Without prejudice to the competency of the courts and the superior military authorities, disciplinary sentences, may only be awarded by an officer vested with disciplinary powers in his capacity as Commandant of the camp or detachment, or by the responsible officer acting as his substitute.

3.—*Judicial Proceedings*

## ARTICLE 60

At the commencement of a judicial hearing against a prisoner of war, the detaining Power shall notify the representative of the protecting Power as soon as possible, and in any case before the date fixed for the opening of the hearing.

The said notification shall contain the following particulars:—

(a) Civil status and rank of the prisoner.

(b) Place of residence or detention.

(c) Statement of the charge or charges, and of the legal provisions applicable.



## ARTICLE 55

Sous réserve de la disposition faisant l'objet du dernier alinéa de l'article 11, sont applicables, à titre d'aggravation de peine, aux prisonniers de guerre punis disciplinairement les restrictions de nourriture admises dans les armées de la Puissance détentrice.

Toutefois, ces restrictions ne pourront être ordonnées que si l'état de santé des prisonniers punis le permet.

## ARTICLE 56

En aucun cas, les prisonniers de guerre ne pourront être transférés dans les établissements pénitentiaires (prisons, pénitenciers, bagnes, etc.) pour y subir des peines disciplinaires.

Les locaux dans lesquels seront subies les peines disciplinaires seront conformes aux exigences de l'hygiène.

Les prisonniers punis seront mis à même de se tenir en état de propreté.

Chaque jour, ces prisonniers auront la faculté de prendre de l'exercice ou de séjourner en plein air pendant au moins deux heures.

## ARTICLE 57

Les prisonniers de guerre punis disciplinairement seront autorisés à lire et à écrire, ainsi qu'à expédier et à recevoir des lettres.

En revanche, les colis et les envois d'argent pourront n'être délivrés aux destinataires qu'à l'expiration de la peine. Si les colis non distribués contiennent des denrées périssables, celles-ci seront versées à l'infirmerie ou à la cuisine du camp.

## ARTICLE 58

Les prisonniers de guerre punis disciplinairement seront autorisés, sur leur demande, à se présenter à la visite médicale quotidienne. Ils recevront les soins jugés nécessaires par les médecins et, le cas échéant, seront évacués sur l'infirmerie du camp ou sur les hôpitaux.

## ARTICLE 59

Réserve faite de la compétence des tribunaux et des autorités militaires supérieures, les peines disciplinaires ne pourront être prononcées que par un officier muni de pouvoirs disciplinaires en sa qualité de commandant de camp ou de détachement, ou par l'officier responsable qui le remplace.

3. — *Poursuites judiciaires*

## ARTICLE 60

Lors de l'ouverture d'une procédure judiciaire dirigée contre un prisonnier de guerre, la Puissance détentrice en avertira aussitôt qu'elle pourra le faire, et toujours avant la date fixée pour l'ouverture des débats, le représentant de la Puissance protectrice.

Cet avis contiendra les indications suivantes:

a) état civil et grade du prisonnier;

b) lieu de séjour ou de détention;

c) spécifications du ou des chefs d'accusation avec mention des dispositions légales applicables.

If it is not possible in this notification to indicate particulars of the court which will try the case, the date of the opening of the hearing and the place where it will take place, these particulars shall be furnished to the representative of the protecting Power at a later date, but as soon as possible and in any case at least three weeks before the opening of the hearing.

#### ARTICLE 61

No prisoner of war shall be sentenced without being given the opportunity to defend himself.

No prisoner shall be compelled to admit that he is guilty of the offence of which he is accused.

#### ARTICLE 62

The prisoner of war shall have the right to be assisted by a qualified advocate of his own choice, and, if necessary, to have recourse to the offices of a competent interpreter. He shall be informed of his right by the detaining Power in good time before the hearing.

Failing a choice on the part of the prisoner, the protecting Power may procure an advocate for him. The detaining Power shall, on the request of the protecting Power, furnish to the latter a list of persons qualified to conduct the defence.

The representatives of the protecting Power shall have the right to attend the hearing of the case.

The only exception to this rule is where the hearing has to be kept secret in the interests of the safety of the State. The detaining Power would then notify the protecting Power accordingly.

#### ARTICLE 63

A sentence shall only be pronounced on a prisoner of war by the same tribunals and in accordance with the same procedure as in the case of persons belonging to the armed forces of the detaining Power.

#### ARTICLE 64

Every prisoner of war shall have the right of appeal against any sentence against him in the same manner as persons belonging to the armed forces of the detaining Power.

#### ARTICLE 65

Sentences pronounced against prisoners of war shall be communicated immediately to the protecting Power.

#### ARTICLE 66

If sentence of death is passed on a prisoner of war, a communication setting forth in detail the nature and the circumstances of the offence shall be addressed as soon as possible to the representative of the protecting Power for transmission to the Power in whose armed forces the prisoner served.

The sentence shall not be carried out before the expiration of a period of at least three months from the date of the receipt of this communication by the protecting Power.

#### ARTICLE 67

No prisoner of war may be deprived of the benefit of the provisions of Article 42 of the present Convention as the result of a judgment or otherwise.



S'il n'est pas possible de donner dans cet avis l'indication du tribunal qui jugera l'affaire, celle de la date d'ouverture des débats et celle du local où ils auront lieu, ces indications seront fournies ultérieurement au représentant de la Puissance protectrice, le plus tôt possible, et en tout cas trois semaines au moins avant l'ouverture des débats.

#### ARTICLE 61

Aucun prisonnier de guerre ne pourra être condamné sans avoir eu l'occasion de se défendre.

Aucun prisonnier ne pourra être contraint de se reconnaître coupable du fait dont il est accusé.

#### ARTICLE 62

Le prisonnier de guerre sera en droit d'être assisté par un défenseur qualifié de son choix et de recourir, si c'est nécessaire, aux offices d'un interprète compétent. Il sera avisé de son droit, en temps utile avant les débats, par la Puissance détentrice.

A défaut d'un choix par le prisonnier, la Puissance protectrice pourra lui procurer un défenseur. La Puissance détentrice remettra à la Puissance protectrice, sur la demande de celle-ci, une liste de personnes qualifiées pour présenter la défense.

Les représentants de la Puissance protectrice auront le droit d'assister aux débats de la cause.

La seule exception à cette règle est celle où les débats de la cause doivent rester secrets dans l'intérêt de la sûreté de l'Etat. La Puissance détentrice en préviendrait la Puissance protectrice.

#### ARTICLE 63

Un jugement ne pourra être prononcé à la charge d'un prisonnier de guerre que par les mêmes tribunaux et suivant la même procédure qu'à l'égard des personnes appartenant aux forces armées de la Puissance détentrice.

#### ARTICLE 64

Tout prisonnier de guerre aura le droit de recourir contre tout jugement rendu à son égard, de la même manière que les individus appartenant aux forces armées de la Puissance détentrice.

#### ARTICLE 65

Les jugements prononcés contre les prisonniers de guerre seront immédiatement communiqués à la Puissance protectrice.

#### ARTICLE 66

Si la peine de mort est prononcée contre un prisonnier de guerre, une communication exposant en détail la nature et les circonstances de l'infraction sera adressée, au plus tôt, au représentant de la Puissance protectrice, pour être transmise à la Puissance dans les armées de laquelle le prisonnier a servi.

Le jugement ne sera pas exécuté avant l'expiration d'un délai d'au moins trois mois à partir de cette communication.

#### ARTICLE 67

Aucun prisonnier de guerre ne pourra être privé du bénéfice des dispositions de l'article 42 de la présente Convention à la suite d'un jugement ou autrement.



PART IV.—*End of Captivity*SECTION I.—*Direct Repatriation and Accommodation in a Neutral Country*

## ARTICLE 68

Belligerents shall be required to send back to their own country, without regard to rank or numbers, after rendering them in a fit condition for transport, prisoners of war who are seriously ill or seriously wounded.

Agreements between the belligerents shall therefore determine, as soon as possible, the forms of disablement or sickness requiring direct repatriation and cases which may necessitate accommodation in a neutral country. Pending the conclusion of such agreements, the belligerents may refer to the model draft agreement annexed to the present Convention.

## ARTICLE 69

On the opening of hostilities, belligerents shall come to an understanding as to the appointment of mixed medical commissions. These commissions shall consist of three members, two of whom shall belong to a neutral country and one appointed by the detaining Power; one of the medical officers of the neutral country shall preside. These mixed medical commissions shall proceed to the examination of sick or wounded prisoners and shall make all appropriate decisions with regard to them.

The decisions of these commissions shall be decided by majority and shall be carried into effect as soon as possible.

## ARTICLE 70

In addition to those prisoners of war selected by the medical officer of the camp, the following shall be inspected by the mixed medical commission mentioned in Article 69, with a view to their direct repatriation or accommodation in a neutral country:

a) prisoners who make a direct request to that effect to the medical officer of the camp;

b) prisoners presented by the prisoners' representatives mentioned in Article 43, the latter acting on their own initiative or on the request of the prisoners themselves;

c) prisoners nominated by the Power in whose armed forces they served or by a relief society duly recognized and authorized by that Power.

## ARTICLE 71

Prisoners of war who meet with accidents at work, unless the injury is self-inflicted, shall have the benefit of the same provisions as regards repatriation or accommodation in a neutral country.

## ARTICLE 72

During the continuance of hostilities, and for humanitarian reasons, belligerents may conclude agreements with a view to the direct repatriation or accommodation in a neutral country of prisoners of war in good health who have been in captivity for a long time.

## ARTICLE 73

The expenses of repatriation or transport to a neutral country of prisoners of war shall be borne, as from the frontier of the detaining Power, by the Power in whose armed forces such prisoners served.

TITRE IV.—*De la fin de la captivité*SECTION I.—*Du rapatriement direct et de l'hospitalisation en pays neutre*

## ARTICLE 68

Les belligérants seront tenus de renvoyer dans leur pays, sans égard au grade ni au nombre, après les avoir mis en état d'être transportés, les prisonniers de guerre grands malades et grands blessés.

Des accords entre les belligérants fixeront en conséquence, aussitôt que possible, les cas d'invalidité ou de maladie entraînant le rapatriement direct, ainsi que les cas entraînant éventuellement l'hospitalisation en pays neutre. En attendant que ces accords soient conclus, les belligérants pourront se référer à l'accord type annexé, à titre documentaire, à la présente Convention.

## ARTICLE 69

Dès l'ouverture des hostilités, les belligérants s'entendront pour nommer des commissions médicales mixtes. Ces commissions seront composées de trois membres, dont deux appartenant à un pays neutre et un désigné par la Puissance détentricice; l'un des médecins du pays neutre présidera. Ces commissions médicales mixtes procéderont à l'examen des prisonniers malades ou blessés et prendront toutes décisions utiles à leur égard.

Les décisions de ces commissions seront prises à la majorité et exécutées dans le plus bref délai.

## ARTICLE 70

Outre ceux qui auront été désignés par le médecin du camp, les prisonniers de guerre suivants seront soumis à la visite de la Commission médicale mixte mentionnée à l'article 69, en vue de leur rapatriement direct ou de leur hospitalisation en pays neutre:

a) les prisonniers qui en feront la demande directement au médecin du camp;

b) les prisonniers qui seront présentés par les hommes de confiance prévus à l'article 43, ceux-ci agissant de leur propre initiative ou à la demande des prisonniers eux-mêmes;

c) les prisonniers qui auront été proposés par la Puissance dans les armées de laquelle ils ont servi ou par une association de secours dûment reconnue et autorisée par cette Puissance.

## ARTICLE 71

Les prisonniers de guerre victimes d'accidents du travail, exception faite des blessés volontaires, seront mis, en ce qui concerne le rapatriement ou éventuellement l'hospitalisation en pays neutre, au bénéfice des mêmes dispositions.

## ARTICLE 72

Pendant la durée des hostilités et pour des raisons d'humanité, les belligérants pourront conclure des accords en vue du rapatriement direct ou de l'hospitalisation en pays neutre des prisonniers de guerre valides ayant subi une longue captivité.

## ARTICLE 73

Les frais de rapatriement ou de transport dans un pays neutre des prisonniers de guerre seront supportés, à partir de la frontière de la Puissance détentricice, par la Puissance dans les armées de laquelle ces prisonniers ont servi.



## ARTICLE 74

No repatriated person shall be employed on active military service.

SECTION II.—*Liberation and Repatriation at the End of Hostilities*

## ARTICLE 75

When belligerents conclude an armistice convention, they shall normally cause to be included therein provisions concerning the repatriation of prisoners of war. If it has not been possible to insert in that Convention such stipulations, the belligerents shall, nevertheless, enter into communication with each other on the question as soon as possible. In any case, the repatriation of prisoners shall be effected as soon as possible after the conclusion of peace.

Prisoners of war who are subject to criminal proceedings for a crime or offence at common law may, however, be detained until the end of the proceedings, and, if need be, until the expiration of the sentence. The same applies to prisoners convicted for a crime or offence at common law.

By agreement between the belligerents, commissions may be instituted for the purpose of searching for scattered prisoners and ensuring their repatriation.

PART V.—*Deaths of Prisoners of War*

## ARTICLE 76

The wills of prisoners of war shall be received and drawn up under the same conditions as for soldiers of the national armed forces.

The same rules shall be followed as regards the documents relative to the certification of the death.

The belligerents shall ensure that prisoners of war who have died in captivity are honourably buried, and that the graves bear the necessary indications and are treated with respect and suitably maintained.

PART VI.—*Bureaux of Relief and Information concerning Prisoners of War*

## ARTICLE 77

At the commencement of hostilities, each of the belligerent Powers and the neutral Powers who have belligerents in their care, shall institute an official bureau to give information about the prisoners of war in their territory.

Each of the belligerent Powers shall inform its Information Bureau as soon as possible of all captures of prisoners effected by its armed forces, furnishing them with all particulars of identity at its disposal to enable the families concerned to be quickly notified, and stating the official addresses to which families may write to the prisoners.

The Information Bureau shall transmit all such information immediately to the Powers concerned, on the one hand through the intermediary of the protecting Powers, and on the other through the Central Agency contemplated in article 79.

The Information Bureau, being charged with replying to all inquiries relative to prisoners of war, shall receive from the various services concerned all particulars respecting internments and transfers, releases on parole, repatriations, escapes, stays in hospitals, and deaths, together with all other particulars necessary for establishing and keeping up to date an individual record for each prisoner of war.



## ARTICLE 74

Aucun rapatrié ne pourra être employé à un service militaire actif.

SECTION II.—*De la libération et du rapatriement à la fin des hostilités*

## ARTICLE 75

Lorsque les belligérants conclueront une convention d'armistice, ils devront, en principe, y faire figurer des stipulations concernant le rapatriement des prisonniers de guerre. Si des stipulations à cet égard n'ont pu être insérées dans cette convention, les belligérants se mettront néanmoins, le plus tôt possible, en rapport à cet effet. Dans tous les cas, le rapatriement des prisonniers s'effectuera dans le plus bref délai après la conclusion de la paix.

Les prisonniers de guerre qui seraient sous le coup d'une poursuite pénale pour un crime ou un délit de droit commun pourront toutefois être retenus jusqu'à la fin de la procédure et, le cas échéant, jusqu'à l'expiration de la peine. Il en sera de même de ceux condamnés pour un crime ou délit de droit commun.

D'entente entre les belligérants, des commissions pourront être instituées dans le but de rechercher les prisonniers dispersés et d'assurer leur rapatriement.

TITRE V.—*Du décès des prisonniers de guerre*

## ARTICLE 76

Les testaments des prisonniers de guerre seront reçus et dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès.

Les belligérants veilleront à ce que les prisonniers de guerre décédés en captivité soient enterrés honorablement et à ce que les tombes portent toutes indications utiles, soient respectées et convenablement entretenues.

TITRE VI.—*Des bureaux de secours et de renseignements concernant les prisonniers de guerre*

## ARTICLE 77

Dès le début des hostilités, chacune des Puissances belligérantes, ainsi que les Puissances neutres qui auront recueilli des belligérants, constitueront un bureau officiel de renseignements sur les prisonniers de guerre se trouvant sur leur territoire.

Dans le plus bref délai possible, chacune des Puissances belligérantes informera son bureau de renseignements de toute capture de prisonniers effectuée par ses armées, en lui donnant tous renseignements d'identité dont elle dispose permettant d'aviser rapidement les familles intéressées, et en lui faisant connaître les adresses officielles auxquelles les familles pourront écrire aux prisonniers.

Le bureau de renseignements fera parvenir d'urgence toutes ces indications aux Puissances intéressées, par l'entremise, d'une part, des Puissances protectrices et, d'autre part, de l'agence centrale prévue à l'article 79.

Le bureau de renseignements, chargé de répondre à toutes les demandes qui concernent les prisonniers de guerre, recevra des divers services compétents toutes les indications relatives aux internements et aux mutations, aux mises en liberté sur parole, aux rapatriements, aux évasions, aux séjours dans les hôpitaux, aux décès, ainsi que les autres renseignements nécessaires pour établir et tenir à jour une fiche individuelle pour chaque prisonnier de guerre.

The Bureau shall note in this record, as far as possible, and subject to the provisions of article 5, the regimental number, names and surnames, date and place of birth, rank and unit of the prisoner, the surname of the father and name of the mother, the address of the person to be notified in case of accident, wounds, dates and places of capture, of internment, of wounds, of death, together with all other important particulars.

Weekly lists containing all additional particulars capable of facilitating the identification of each prisoner shall be transmitted to the interested Powers.

The individual record of a prisoner of war shall be sent after the conclusion of peace to the Power in whose service he was.

The Information Bureau shall also be required to collect all personal effects, valuables, correspondence, pay-books, identity tokens, etc., which have been left by prisoners of war who have been repatriated or released on parole, or who have escaped or died, and to transmit them to the countries concerned.

#### ARTICLE 78

Societies for the relief of prisoners of war, regularly constituted in accordance with the laws of their country, and having for their object to serve as intermediaries for charitable purposes, shall receive from the belligerents, for themselves and their duly accredited agents, all facilities for the efficacious performance of their humane task within the limits imposed by military exigencies. Representatives of these societies shall be permitted to distribute relief in the camps and at the halting places of repatriated prisoners under a personal permit issued by the military authority, and on giving an undertaking in writing to comply with all routine and police orders which the said authority shall prescribe.

#### ARTICLE 79

A Central Agency of information regarding prisoners of war shall be established in a neutral country. The International Red Cross Committee shall, if they consider it necessary, propose to the Powers concerned the organization of such an agency.

This agency shall be charged with the duty of collecting all information regarding prisoners which they may be able to obtain through official or private channels, and the agency shall transmit the information as rapidly as possible to the prisoners' own country or the Power in whose service they have been.

These provisions shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee.

#### ARTICLE 80

Information Bureaux shall enjoy exemption from fees on postal matter as well as all the exemptions prescribed in article 38.

### PART VII.—*Application of the Convention to Certain Categories of Civilians*

#### ARTICLE 81

Persons who follow the armed forces without directly belonging thereto, such as correspondents, newspaper reporters, sutlers, or contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they are in possession of an authorization from the military authorities of the armed forces which they were following.



Le bureau portera sur cette fiche, dans la mesure du possible et sous réserve des dispositions de l'article 5: le numéro matricule, les noms et prénoms, la date et le lieu de naissance, le grade et le corps de troupe de l'intéressé, le prénom du père et le nom de la mère, l'adresse de la personne à aviser en cas d'accident, les blessures, la date et le lieu de la capture, de l'internement, des blessures, de la mort, ainsi que tous les autres renseignements importants.

Des listes hebdomadaires contenant tous les nouveaux renseignements susceptibles de faciliter l'identification de chaque prisonnier seront transmises aux Puissances intéressées.

La fiche individuelle du prisonnier de guerre sera remise après la conclusion de la paix à la Puissance qu'il aura servie.

Le bureau de renseignements sera en outre tenu de recueillir tous les objets d'usage personnel, valeurs, correspondances, carnets de solde, signes d'identité, etc., qui auront été délaissés par les prisonniers de guerre rapatriés, libérés sur parole, évadés ou décédés, et de les transmettre aux pays intéressés.

#### ARTICLE 78

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays, et ayant pour objet d'être les intermédiaires de l'action charitable, recevront de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les camps, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire et en prenant l'engagement, par écrit, de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

#### ARTICLE 79

Une agence centrale de renseignements sur les prisonniers de guerre sera créée en pays neutre. Le Comité international de la Croix-Rouge proposera aux Puissances intéressées, s'il le juge nécessaire, l'organisation d'une telle agence.

Cette agence sera chargée de concentrer tous les renseignements, intéressant les prisonniers, qu'elle pourra obtenir par les voies officielles ou privées; elle les transmettra le plus rapidement possible au pays d'origine des prisonniers ou à la Puissance qu'ils auront servie.

Ces dispositions ne devront pas être interprétées comme restreignant l'activité humanitaire du Comité international de la Croix-Rouge.

#### ARTICLE 80

Les bureaux de renseignements jouiront de la franchise de port en matière postale, ainsi que de toutes exemptions prévues à l'article 38.

### TITRE VII. — *De l'application de la Convention à certaines catégories de civils*

#### ARTICLE 81

Les individus qui suivent les forces armées sans en faire directement partie, tels que les correspondants, les reporters de journaux, les vivandiers, les fournisseurs, qui tomberont au pouvoir de l'ennemi et que celui-ci jugera utile de détenir, auront droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire des forces armées qu'ils accompagnaient.



PART VIII.—*Execution of the Convention*SECTION I.—*General Provisions*

## ARTICLE 82

The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances.

In time of war, if one of the belligerents is not a party to the Convention, its provisions shall, nevertheless, remain binding as between the belligerents who are parties thereto.

## ARTICLE 83

The High Contracting Parties reserve to themselves the right to conclude special conventions on all questions relating to prisoners of war concerning which they may consider it desirable to make special provision.

Prisoners of war shall continue to enjoy the benefits of these agreements until their repatriation has been effected, subject to any provisions expressly to the contrary contained in the above-mentioned agreements or in subsequent agreements, and subject to any more favourable measures by one or the other of the belligerent Powers concerning the prisoners detained by that Power.

In order to ensure the application, on both sides, of the provisions of the present Convention, and to facilitate the conclusion of the special conventions mentioned above, the belligerents may, at the commencement of hostilities, authorize meetings of representatives of the respective authorities charged with the administration of prisoners of war.

## ARTICLE 84

The text of the present Convention and of the special conventions mentioned in the preceding article shall be posted, whenever possible, in the native language of the prisoners of war, in places where it may be consulted by all the prisoners.

The text of these conventions shall be communicated, on their request, to prisoners who are unable to inform themselves of the text posted.

## ARTICLE 85

The High Contracting Parties shall communicate to each other, through the intermediary of the Swiss Federal Council, the official translations of the present Convention, together with such laws and regulations as they may adopt to ensure the application of the present Convention.

SECTION II.—*Organization of Control*

## ARTICLE 86

The High Contracting Parties recognize that a guarantee of the regular application of the present Convention will be found in the possibility of collaboration between the protecting Powers charged with the protection of the interests of the belligerents; in this connection, the protecting Powers may, apart from their diplomatic personnel, appoint delegates from among their own nationals or the nationals of other neutral Powers. The appointment of these delegates shall be subject to the approval of the belligerent with whom they are to carry out their mission.

The representatives of the protecting Power or their recognized delegates shall be authorized to proceed to any place, without exception, where prisoners of war are interned. They shall have access to all premises occupied by

TITRE VIII — *De l'exécution de la Convention*SECTION I. — *Dispositions générales*

## ARTICLE 82

Les dispositions de la présente Convention devront être respectées par les Hautes Parties Contractantes en toutes circonstances.

Au cas où, en temps de guerre, un des belligérants ne serait pas partie à la Convention, ses dispositions demeureront néanmoins obligatoires entre les belligérants qui y participent.

## ARTICLE 83

Les Hautes Parties Contractantes se réservent le droit de conclure des conventions spéciales sur toutes questions relatives aux prisonniers de guerre qu'il leur paraîtrait opportun de régler particulièrement.

Les prisonniers de guerre resteront au bénéfice de ces accords jusqu'à l'achèvement du rapatriement, sauf stipulations expresses contraires contenues dans les susdits accords ou dans des accords ultérieurs, ou également sauf mesures plus favorables prises par l'une ou l'autre des Puissances belligérantes à l'égard des prisonniers qu'elles détiennent.

En vue d'assurer l'application, de part et d'autre, des stipulations de la présente Convention, et de faciliter la conclusion des conventions spéciales prévues ci-dessus, les belligérants pourront autoriser, dès le début des hostilités, des réunions de représentants des autorités respectives chargées de l'administration des prisonniers de guerre.

## ARTICLE 84

Le texte de la présente Convention et des conventions spéciales prévues à l'article précédent, sera affiché, autant que possible dans la langue maternelle des prisonniers de guerre, à des emplacements où il pourra être consulté par tous les prisonniers.

Le texte de ces conventions sera communiqué, sur leur demande, aux prisonniers qui se trouveraient dans l'impossibilité de prendre connaissance du texte affiché.

## ARTICLE 85

Les Hautes Parties Contractantes se communiqueront par l'intermédiaire du Conseil fédéral suisse les traductions officielles de la présente Convention, ainsi que les lois et règlements qu'elles pourront être amenées à adopter pour assurer l'application de la présente Convention.

SECTION II. — *De l'organisation du Contrôle*

## ARTICLE 86

Les Hautes Parties Contractantes reconnaissent que l'application régulière de la présente Convention trouvera une garantie dans la possibilité de collaboration des Puissances protectrices chargées de sauvegarder les intérêts des belligérants; à cet égard, les Puissances protectrices pourront, en dehors de leur personnel diplomatique, désigner des délégués parmi leurs propres ressortissants ou parmi les ressortissants d'autres Puissances neutres. Ces délégués devront être soumis à l'agrément du belligérant auprès duquel ils exerceront leur mission.

Les représentants de la Puissance protectrice ou ses délégués agréés seront autorisés à se rendre dans toutes les localités, sans aucune exception, où sont internés des prisonniers de guerre. Ils auront accès dans tous les locaux occupés



prisoners and may hold conversation with prisoners, as a general rule without witnesses, either personally or through the intermediary of interpreters.

Belligerents shall facilitate as much as possible the task of the representatives or recognized delegates of the protecting Power. The military authorities shall be informed of their visits.

Belligerents may mutually agree to allow persons of the prisoners' own nationality to participate in the tours of inspection.

#### ARTICLE 87

In the event of dispute between the belligerents regarding the application of the provisions of the present Convention, the protecting Powers shall, as far as possible, lend their good offices with the object of settling the dispute.

To this end, each of the protecting Powers may, for instance, propose to the belligerents concerned that a conference of representatives of the latter should be held, on suitably chosen neutral territory. The belligerents shall be required to give effect to proposals made to them with this object. The protecting Power may, if necessary, submit for the approval of the Powers in dispute the name of a person belonging to a neutral Power or nominated by the International Red Cross Committee, who shall be invited to take part in this conference.

#### ARTICLE 88

The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners of war with the consent of the belligerents concerned.

### SECTION III.—*Final Provisions*

#### ARTICLE 89

In the relations between the Powers who are bound either by The Hague Convention concerning the Laws and Customs of War on Land of the 29th July, 1899, or that of the 18th October, 1907, and are parties to the present Convention, the latter shall be complementary to Chapter 2 of the Regulations annexed to the above-mentioned Conventions of The Hague.

#### ARTICLE 90

The present Convention, which shall bear this day's date, may be signed up to the 1st February, 1930, on behalf of any of the countries represented at the Conference which opened at Geneva on the 1st July, 1929.

#### ARTICLE 91

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

In respect of the deposit of each instrument of ratification, a *procès-verbal* shall be drawn up, and a copy thereof, certified correct, shall be sent by the Swiss Federal Council to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

#### ARTICLE 92

The present Convention shall enter into force six months after at least two instruments of ratification have been deposited. Thereafter it shall enter into force for each High Contracting Party six months after the deposit of its instrument of ratification.



par des prisonniers et pourront s'entretenir avec ceux-ci, en règle générale sans témoin, personnellement ou par l'intermédiaire d'interprètes.

Les belligérants faciliteront dans la plus large mesure possible la tâche des représentants ou des délégués agréés de la Puissance protectrice. Les autorités militaires seront informées de leur visite.

Les belligérants pourront s'entendre pour admettre que des personnes de la propre nationalité des prisonniers soient admises à participer aux voyages d'inspection.

#### ARTICLE 87

En cas de désaccord entre les belligérants, sur l'application des dispositions de la présente Convention, les Puissances protectrices devront, dans la mesure du possible, prêter leurs bons offices aux fins de règlement du différend.

A cet effet, chacune des Puissances protectrices pourra, notamment, proposer aux belligérants intéressés une réunion de représentants de ceux-ci, éventuellement sur un territoire neutre convenablement choisi. Les belligérants seront tenus de donner suite aux propositions qui leur seront faites dans ce sens. La Puissance protectrice pourra, le cas échéant, soumettre à l'agrément de Puissances en cause une personnalité appartenant à une Puissance neutre ou une personnalité déléguée par le Comité international de la Croix-Rouge, qui sera appelée à participer à cette réunion.

#### ARTICLE 88

Les dispositions qui précèdent ne font pas obstacle à l'activité humanitaire que le Comité international de la Croix-Rouge pourra déployer pour la protection des prisonniers de guerre, moyennant l'agrément des belligérants intéressés.

### SECTION III. — *Dispositions finales*

#### ARTICLE 89

Dans les rapports entre Puissances liées par la Convention de la Haye concernant les lois et coutumes de la guerre sur terre, qu'il s'agisse de celle du 29 juillet 1899 ou de celle du 18 octobre 1907, et qui participent à la présente Convention, celle-ci complétera le chapitre II du Règlement annexé aux susdites Conventions de la Haye.

#### ARTICLE 90

La présente Convention, qui portera la date de ce jour, pourra, jusqu'au premier février 1930, être signée au nom de tous les pays représentés à la Conférence qui s'est ouverte à Genève le 1er juillet 1929.

#### ARTICLE 91

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à Berne.

Il sera dressé du dépôt de chaque instrument de ratification au procès-verbal dont une copie, certifiée conforme, sera remise par le Conseil fédéral suisse aux Gouvernements de tous les pays au nom de qui la Convention aura été signée ou l'adhésion notifiée.

#### ARTICLE 92

La présente Convention entrera en vigueur six mois après que deux instruments de ratification au moins auront été déposés.

Ultérieurement, elle entrera en vigueur pour chaque Haute Partie Contractante six mois après le dépôt de son instrument de ratification.

## ARTICLE 93

As from the date of its entry into force, the present Convention shall be open to accession notified in respect of any country on whose behalf this Convention has not been signed.

## ARTICLE 94

Accessions shall be notified in writing to the Swiss Federal Council and shall take effect six months after the date on which they have been received.

The Swiss Federal Council shall notify the accessions to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

## ARTICLE 95

A state of war shall give immediate effect to ratifications deposited and to accessions notified by the belligerent Powers before or after the commencement of hostilities. The communication of ratifications or accessions received from Powers in a state of war shall be effected by the Swiss Federal Council by the quickest method.

## ARTICLE 96

Each of the High Contracting Parties shall have the right to denounce the present Convention. The denunciation shall only take effect one year after notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate this notification to the Governments of all the High Contracting Parties.

The denunciation shall only be valid in respect of the High Contracting Party which has made notification thereof.

Such denunciation shall, moreover, not take effect during a war in which the denouncing Power is involved. In this case, the present Convention shall continue binding, beyond the period of one year, until the conclusion of peace, and, in any case, until operations of repatriation shall have terminated.

## ARTICLE 97

A copy of the present Convention, certified to be correct, shall be deposited by the Swiss Federal Council in the archives of the League of Nations. Similarly, ratifications, accessions and denunciations notified to the Swiss Federal Council shall be communicated by them to the League of Nations.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva the 27th July, 1929, in a single copy, which shall remain deposited in the archives of the Swiss Confederation, and of which copies, certified correct, shall be transmitted to the Governments of all the countries invited to the Conference.

(The signature follows of the Plenipotentiaries for Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Great Britain and Northern Ireland, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Persia, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela, Yugoslavia.)



## ARTICLE 93

A partir de la date de sa mise en vigueur, la présente Convention sera ouverte aux adhésions données au nom de tout pays au nom duquel cette Convention n'aura pas été signée.

## ARTICLE 94

Les adhésions seront notifiées par écrit au Conseil fédéral suisse et produiront leurs effets six mois après la date à laquelle elles lui seront parvenues.

Le Conseil fédéral suisse communiquera les adhésions aux Gouvernements de tous les pays au nom de qui la Convention aura été signée ou l'adhésion notifiée.

## ARTICLE 95

L'état de guerre donnera effet immédiatement aux ratifications déposées et aux adhésions notifiées par les Puissances belligérantes avant ou après le début des hostilités. La communication des ratifications ou adhésions reçues des Puissances en état de guerre sera faite par le Conseil fédéral suisse par la voie la plus rapide.

## ARTICLE 96

Chacune des Hautes Parties Contractantes aura la faculté de dénoncer la présente Convention. La dénonciation ne produira ses effets qu'un an après que la notification en aura été faite par écrit au Conseil fédéral suisse. Celui-ci communiquera cette notification aux Gouvernements de toutes les Hautes Parties Contractantes.

La dénonciation ne vaudra qu'à l'égard de la Haute Partie Contractante qui l'aura notifiée.

En outre, cette dénonciation ne produira pas ses effets au cours d'une guerre dans laquelle serait impliquée la Puissance dénonçante. En ce cas, la présente Convention continuera à produire ses effets, au delà du délai d'un an, jusqu'à la conclusion de la paix et, en tout cas, jusqu'à ce que les opérations du rapatriement soient terminées.

## ARTICLE 97

Une copie, certifiée conforme, de la présente Convention sera déposée aux archives de la Société des Nations par les soins du Conseil fédéral suisse. De même, les ratifications, adhésions et dénonciations qui seront notifiées au Conseil fédéral suisse seront communiquées par lui à la Société des Nations.

EN FOI DE QUOI les Plénipotentiaires susnommés ont signé la présente Convention.

FAIT à Genève, le vingt-sept juillet mil neuf cent vingt-neuf, en un seul exemplaire, qui restera déposé dans les archives de la Confédération Suisse et dont des copies, certifiées conformes, seront remises aux Gouvernements de tous les pays invités à la Conférence.

(Suit la signature des Plénipotentiaires pour l'Allemagne, l'Australie, l'Autriche, la Belgique, la Bolivie, le Brésil, la Bulgarie, le Canada, le Chili, la Chine, la Colombie, Cuba, le Danemark, la République dominicaine, l'Egypte, l'Espagne (*ad referendum*), l'Estonie, l'Etat libre d'Irlande, les Etats-Unis d'Amérique, la Finlande, la France, la Grande-Bretagne et l'Irlande du Nord ainsi que toute partie de l'Empire britannique non Membre séparé de la Société des Nations, la Grèce, la Hongrie, l'Inde, l'Italie, le Japon, la Lettonie, le Luxembourg, le Mexique, le Nicaragua, la Norvège, la Nouvelle-Zélande, les Pays-Bas, la Perse, la Pologne, le Portugal, la Roumanie, le Siam, la Suède, la Suisse, la Turquie, l'Union de l'Afrique du Sud, l'Uruguay, le Vénézuéla et la Yougoslavie.)



**ANNEX TO THE CONVENTION  
RELATIVE TO THE TREATMENT OF PRISONERS OF WAR  
OF THE 27 JULY, 1929**

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**MODEL DRAFT AGREEMENT  
CONCERNING THE DIRECT REPATRIATION OR ACCOMMODATION  
IN A NEUTRAL COUNTRY OF PRISONERS OF WAR  
FOR REASONS OF HEALTH**

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**I.—GUIDING PRINCIPLES FOR DIRECT REPATRIATION OR  
ACCOMMODATION IN A NEUTRAL COUNTRY**

*A.—Direct Repatriation*

The following shall be repatriated direct:—

1. Sick and wounded whose recovery within one year is not probable according to medical prognosis, whose condition requires treatment, and whose intellectual or bodily powers appear to have undergone a considerable diminution.
2. Incurable sick and wounded whose intellectual or bodily powers appear to have undergone a considerable diminution.
3. Convalescent sick and wounded, whose intellectual or bodily powers appear to have undergone a considerable diminution.

*B.—Accommodation in a Neutral Country*

The following shall be accommodated in a neutral country:—

1. Sick and wounded whose recovery is presumable within the period of one year, when it appears that such recovery would be more certain and more rapid if the sick and wounded were given the benefit of the resources offered by the neutral country than if their captivity, properly so called, were prolonged.
2. Prisoners of war whose intellectual or physical health appears, according to medical opinion, to be seriously threatened by continuance in captivity, while accommodation in a neutral country would probably diminish that risk.

*C.—Repatriation of Prisoners Accommodated in a Neutral Country*

Prisoners of war who have been accommodated in a neutral country, and belong to the following categories, shall be repatriated:—

1. Those whose state of health appears to be, or likely to become such that they would fall into the categories of those repatriated for reasons of health.
2. Those who are convalescent, whose intellectual or physical powers appear to have undergone a considerable diminution.

**ANNEXE À LA CONVENTION  
RELATIVE AU TRAITEMENT DES PRISONNIERS DE GUERRE  
DU 27 JUILLET 1929**

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**ACCORD - TYPE  
CONCERNANT LE RAPATRIEMENT DIRECT  
ET L'HOSPITALISATION EN PAYS NEUTRE DES PRISONNIERS  
DE GUERRE POUR RAISON DE SANTÉ**

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**I.—PRINCIPES DIRECTEURS POUR LE RAPATRIEMENT DIRECT  
ET L'HOSPITALISATION EN PAYS NEUTRE**

*A.—Rapatricement direct*

Seront rapatriés directement:

1o Les malades et blessés dont, d'après les prévisions médicales, la curabilité en une année n'est pas présumable, leur état exigeant un traitement, et leur aptitude intellectuelle ou corporelle paraissant avoir subi une diminution considérable;

2o Les malades et blessés incurables dont l'aptitude intellectuelle ou corporelle paraît avoir subi une diminution considérable;

3o Les malades et blessés guéris dont l'aptitude intellectuelle ou corporelle paraît avoir subi une diminution considérable.

*B.—Hospitalisation en Pays neutre*

Seront hospitalisés:

1o Les malades et blessés dont la guérison est présumable dans le délai d'un an, cette guérison apparaissant comme plus sûre et plus rapide si les malades et blessés sont mis au bénéfice des ressources qu'offre le pays neutre que si leur captivité proprement dite est prolongée;

2o Les prisonniers de guerre dont la santé intellectuelle ou physique paraît, d'après les prévisions médicales, menacée sérieusement par le maintien en captivité, tandis que l'hospitalisation en pays neutre pourrait probablement les soustraire à ce risque.

*C.—Rapatricement des hospitalisés en pays neutre*

Seront rapatriés les prisonniers de guerre hospitalisés en pays neutre qui appartiennent aux catégories suivantes:

1o Ceux dont l'état de santé se présente comme étant ou devenant tel qu'ils rentrent dans les catégories des rapatriables pour raisons de santé;

2o Les guéris dont l'aptitude intellectuelle ou physique paraît avoir subi une diminution considérable.



## II.—SPECIAL PRINCIPLES FOR DIRECT REPATRIATION OR ACCOMMODATION IN A NEUTRAL COUNTRY

### A.—*Repatriation*

The following shall be repatriated:—

1. All prisoners of war suffering the following effective or functional disabilities as the result of organic injuries: Loss of a limb, paralysis, articular or other disabilities, when the defect is at least the loss of a foot or a hand, or the equivalent of the loss of a foot or a hand.

2. All wounded or injured prisoners of war whose condition is such as to render them invalids whose cure within a year cannot be medically foreseen.

3. All sick prisoners whose condition is such as to render them invalids whose cure within a year cannot be medically foreseen.

The following in particular belong to this category:—

- (a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country;
- (b) Non-tubercular affections of the respiratory organs which are presumed to be incurable (in particular, strongly developed pulmonary emphysema, with or without bronchitis, bronchiectasis, serious asthma, gas poisoning, etc.);
- (c) Grave chronic affections of the circulatory organs (for example: valvular affections with a tendency to compensatory troubles, relatively grave affections of the myocardium, pericardium or the vessels, in particular, aneurism of the larger vessels which cannot be operated on, etc.);
- (d) Grave chronic affections of the digestive organs;
- (e) Grave chronic affections of the urinary and sexual organs, in particular, for example: any case of chronic nephritis, confirmed by symptoms, and especially when cardiac and vascular deterioration already exists; the same applies to chronic pyelitis and cystitis, etc.);
- (f) Grave chronic maladies of the central and peripheral nervous system; in particular grave neurasthenia and hysteria, any indisputable case of epilepsy, grave Basedon's disease, etc.);
- (g) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses. Diminution of visual acuteness in cases where it is impossible to restore it by correction to an acuteness of  $\frac{1}{2}$  in at least one eye. The other ocular affections falling within the present category (glaucoma, iritis, choroiditis, etc.);
- (h) Total bilateral deafness, and total unilateral deafness in cases where the ear which is not completely deaf cannot hear ordinary speaking voice at a distance of one metre;
- (i) Any indisputable case of mental affection;
- \* (k) Grave cases of chronic poisoning by metals or other causes (lead poisoning, mercury poisoning, morphinism, cocaineism, alcoholism, gas poisoning, etc.);
- (l) Chronic affections of the locomotive organs (arthritis deformans, gout, or rheumatism with impairment, which can be ascertained clinically), provided that they are serious;

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\*There is no paragraph (j).



## II.—PRINCIPES SPÉCIAUX POUR LE RAPATRIEMENT DIRECT OU L'HOSPITALISATION EN PAYS NEUTRE

### A.—*Rapatricement*

Seront rapatriés:

1o Tous les prisonniers de guerre atteints, à la suite de lésions organiques, des altérations suivantes, effectives ou fonctionnelles: perte de membre, paralysie, altérations articulaires ou autres, pour autant que le défaut est d'au moins un pied ou une main, ou qu'il équivaut à la perte d'un pied ou d'une main;

2o Tous les prisonniers de guerre blessés ou lésés dont l'état est tel qu'il fait d'eux des infirmes dont on ne peut pas, médicalement, prévoir la guérison dans le délai d'un an;

3o Tous les malades dont l'état est tel qu'il fait d'eux des infirmes dont on ne peut pas, médicalement, prévoir la guérison dans le délai d'un an.

A cette catégorie appartiennent en particulier:

- a) Les tuberculoses progressives d'organes quelconques qui, d'après les prévisions médicales, ne peuvent plus être guéries ou au moins considérablement améliorées par une cure en pays neutre;
- b) Les affections non tuberculeuses des organes respiratoires présumées incurables (ainsi, avant tout, l'emphysème pulmonaire fortement développé avec ou sans bronchite, les dilatations bronchitiques, l'asthme grave, les intoxications par les gaz, etc.);
- c) Les affections chroniques graves des organes de la circulation (par exemple: les affections valvulaires avec tendance aux troubles de compensation, les affections relativement graves du myocarde, du péricarde et des vaisseaux, en particulier les anévrismes inopérables des gros vaisseaux, etc.);
- d) Les affections chroniques graves des organes digestifs;
- e) Les affections chroniques graves des organes urinaires et sexuels, avant tout, par exemple: tous les cas de néphrites chroniques confirmées avec séméiologie complète, et tout particulièrement lorsqu'il existe déjà des altérations cardiaques et vasculaires; de même les pyélites et cystites chroniques, etc.;
- f) Les maladies chroniques graves du système nerveux central et périphérique: ainsi, avant tout la neurasthénie et l'hystérie graves, tous les cas incontestables d'épilepsie, le Basedow grave, etc.;
- g) La cécité des deux yeux, ou celle d'un œil lorsque la vision de l'autre reste inférieure à I malgré l'emploi de verres correcteurs. La diminution de l'acuité visuelle au cas où il est impossible de la ramener par la correction à l'acuité de  $\frac{1}{2}$  pour un œil du moins. Les autres affections oculaires rentrant dans la présente catégorie (glaucome, iritis, choréïdite, etc.);
- h) La surdité totale bilatérale, ainsi que la surdité totale unilatérale au cas où l'oreille incomplètement sourde ne perçoit plus la voix parlée ordinaire à un mètre de distance;
- i) Tous les cas incontestables d'affections mentales;
- \*k) Les cas graves d'intoxication chronique par les métaux ou par d'autres causes (saturnisme, hydrargyrisme, morphinisme, cocaïnisme, alcoolisme, intoxication par les gaz, etc.);
- l) Les affections chroniques des organes locomoteurs (arthrite déformante, goutte, rhumatisme avec altérations décelables cliniquement), à la condition qu'elles soient graves;

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\* Il n'y a point de paragraphe j.

- (m) Malignant growths, if they are not amenable to relatively mild operations without danger to the life of the person operated upon;
- (n) All cases of malaria with appreciable organic deterioration (serious chronic enlargement of the liver or spleen, cachexy, etc.);
- (o) Grave chronic cutaneous affections, when their nature does not constitute a medical reason for treatment in a neutral country.
- (p) Serious avitaminosis (beri-beri, pellagra, chronic scurvy).

### B.—Accommodation

Prisoners of war shall be accommodated in a neutral country if they suffer from the following affections:—

1. All forms of tuberculosis of any organ, if, according to present medical knowledge, they can be cured or their condition considerably improved by methods applicable in a neutral country (altitude, treatment in sanatoria, etc.).

2. All forms—necessitating treatment—of affections of the respiratory, circulatory, digestive, genito-urinary, or nervous organs, of the organs of the senses, or of the locomotive or cutaneous functions, provided that such forms of affection do not belong to the categories necessitating direct repatriation, or that they are not acute maladies (properly so called) susceptible of complete cure. The affections referred to in this paragraph are such as admit, by the application of methods of treatment available in the neutral country, of really better chances of the patient's recovery than if he were treated in captivity.

Special consideration should be given to nervous troubles, the effective or determining causes of which are the effects of the war or of captivity, such as psychasthenia of prisoners of war or other analogous cases.

All duly established cases of this nature must be treated in neutral countries when their gravity or their constitutional character does not render them cases for direct repatriation.

Cases of psychasthenia of prisoners of war who are not cured after three months' sojourn in a neutral country, or which after that period are not manifestly on the way to complete recovery, shall be repatriated.

3. All cases of wounds or injuries or their consequences which offer better prospects of cure in a neutral country than in captivity, provided that such cases are neither such as justify direct repatriation, nor insignificant cases.

4. All duly established cases of malaria which do not show organic deterioration clinically, ascertainable (chronic enlargement of the liver or spleen, cachexy, etc.), if sojourn in a neutral country offers particularly favourable prospects of final cure.

5. All cases of poisoning (in particular by gas, metals, or alkaloids) for which the prospects of cure in a neutral country are especially favourable.

The following are excluded from accommodation in a neutral country:—

1. All cases of duly established mental affections.

2. All organic or functional nervous affections which are reputed to be incurable. (These two categories belong to those which entitle direct repatriation.)

3. Grave chronic alcoholism.

4. All contagious affections during the period when they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.).



- m) Tous les néoplasmes malins, s'ils ne sont pas justiciables d'interventions opératoires bénignes sans danger pour la vie de l'opéré;
- n) Tous les cas de malaria avec altérations organiques appréciables (augmentation chronique importante du volume du foie, de la rate, cachexie, etc.);
- o) Les affections cutanées chroniques graves, pour autant que leur nature ne constitue pas une indication médicale d'hospitalisation en pays neutre;
- p) Les avitaminoses graves (béri-béri, pellagra, scorbut chronique).

### B.—Hospitalisation

Les prisonniers de guerre doivent être hospitalisés s'ils sont atteints des affections suivantes:

1o Toutes les formes de tuberculose d'organes quelconques, si, d'après les connaissances médicales actuelles, elles peuvent être guéries, ou du moins considérablement améliorées par les méthodes applicables en pays neutre (altitude, traitement dans les sanatoria, etc.);

2o Toutes les formes—nécessitant un traitement—d'affections des organes respiratoires, circulaires, digestifs, génito-urinaires, nerveux, des organes des sens, des appareils locomoteur et cutané, à condition, toutefois, que ces formes d'affections n'appartiennent pas aux catégories prescrivant le rapatriement direct, ou qu'elles ne soient pas des maladies aiguës proprement dites ayant une tendance à la guérison franche. Les affections envisagées dans ce paragraphe sont celles qui offrent par l'application des moyens de cure disponibles en pays neutre des chances de guérison réellement meilleures pour le patient que si celui-ci était traité en captivité.

Il y a lieu de considérer tout spécialement les troubles nerveux dont les causes efficientes ou déterminantes sont les événements de la guerre ou de la captivité même, comme la psychasthénie des prisonniers de guerre et autres cas analogues.

Tous les cas de ce genre dûment constatés doivent être hospitalisés, pour autant que leur gravité ou leurs caractères constitutionnels n'en font pas des cas de rapatriement direct.

Les cas de psychasthénie des prisonniers de guerre qui ne sont pas guéris après trois mois d'hospitalisation en pays neutre ou qui, après ce délai, ne sont pas manifestement en voie de guérison définitive, devront être rapatriés.

3o Tous les cas de blessures, de lésions et leurs conséquences qui offrent des chances de guérison meilleure en pays neutre qu'en captivité, à condition que ces cas ne soient pas, ou bien justiciables du rapatriement direct, ou bien insignifiants;

4o Tous les cas de malaria dûment constatés et ne présentant pas d'altérations organiques décelables cliniquement (augmentation de volume chronique du foie, de la rate, cachexie, etc.), si le séjour en pays neutre offre des perspectives particulièrement favorables de guérison définitive;

5o Tous les cas d'intoxication (en particulier par les gaz, les métaux, les alcaloïdes) pour lesquels les perspectives de guérison en pays neutre sont spécialement favorables.

Seront exclus de l'hospitalisation:

1o Tous les cas d'affections mentales dûment constatées;

2o Toutes les affections nerveuses organiques ou fonctionnelles réputées incurables; (ces deux catégories appartiennent à celles donnant droit au rapatriement direct.)

3o L'alcoolisme chronique grave;

4o Toutes les affections contagieuses dans la période où elles sont transmissibles (maladies infectieuses aiguës, syphilis primaire et secondaire, trachôme, lèpre, etc.).



III. GENERAL OBSERVATIONS

The conditions stated above must, in a general way, be interpreted and applied in as broad a spirit as possible.

This breadth of interpretation must especially be applied in neuropathic or psychopathic cases caused or aggravated by the effects of war or captivity (psychasthenia of prisoners of war), and in cases of tuberculosis in all degrees.

It is obvious that camp doctors and mixed medical commissions may find themselves faced with many cases not mentioned amongst the examples given under section II above, or with cases that cannot be assimilated to these examples. The above-mentioned examples are only given as typical examples; a similar list of surgical disabilities has not been drawn up because, apart from cases which are indisputable on account of their very nature (amputations), it is difficult to draw up a list of specified types; experience has shown that a list of such specified cases was not without inconvenience in practice.

Cases not conforming exactly with the examples quoted shall be determined in the spirit of the guiding principles given above.

CONVENTION OF 1929 RELATIVE TO THE TREATMENT OF PRISONERS OF WAR  
SIGNATURES, RATIFICATIONS AND ACCESSIONS

COUNTRIES	Signature	Ratification	Accession
Australia.....	July 27, 1929	June 23, 1931	.....
Austria.....	July 27, 1929	Mar. 3, 1936	.....
Belgium.....	July 27, 1929	May 12, 1932	.....
Bolivia.....	July 27, 1929	Aug. 13, 1940	.....
Brazil.....	July 27, 1929	Mar. 13, 1932	.....
Bulgaria.....	July 27, 1929	Oct. 13, 1937	.....
Canada.....	July 27, 1929	Feb. 20, 1933	.....
Chile.....	July 27, 1929	June 1, 1933	.....
China.....	July 27, 1929	Nov. 19, 1935	.....
Colombia.....	July 27, 1929	June 5, 1941	.....
Cuba.....	July 27, 1929	.....	.....
Czechoslovakia.....	July 27, 1929	Oct. 12, 1937	.....
Denmark.....	July 27, 1929	Aug. 5, 1932	.....
Dominican Republic.....	July 27, 1929	.....	.....
Egypt.....	July 27, 1929	July 25, 1933	.....
Estonia.....	July 27, 1929	June 11, 1936	.....
Finland.....	July 27, 1929	.....	.....
France.....	July 27, 1929	Aug. 21, 1935	.....
Germany.....	July 27, 1929	Feb. 21, 1934	.....
Great Britain and Northern Ireland.....	July 27, 1929	June 23, 1931	.....
Greece.....	July 27, 1929	May 28, 1935	.....
Hungary.....	July 27, 1929	Sept. 10, 1936	.....
India.....	July 27, 1929	June 23, 1931	.....
Iraq.....	.....	.....	May 29, 1934
Irish Free State.....	July 27, 1929	.....	.....
Italy.....	July 27, 1929	Mar. 24, 1931	.....
Japan.....	July 27, 1929	.....	.....
Latvia.....	July 27, 1929	Oct. 14, 1931	.....
Lithuania.....	.....	.....	Feb. 27, 1939
Luxembourg.....	July 27, 1929	.....	.....
Mexico.....	July 27, 1929	Aug. 1, 1932	.....
Netherlands.....	July 27, 1929	Oct. 5, 1932	.....
New Zealand.....	July 27, 1929	June 23, 1931	.....
Nicaragua.....	July 27, 1929	.....	.....
Norway.....	July 27, 1929	June 24, 1931	.....
Persia.....	July 27, 1929	.....	.....
Poland.....	July 27, 1929	June 29, 1932	.....
Portugal.....	July 27, 1929	June 8, 1931	.....
Roumania.....	July 27, 1929	Oct. 24, 1931	.....
Siam.....	July 27, 1929	June 3, 1939	.....
Slovakia.....	.....	.....	Sept. 15, 1939
Spain.....	July 27, 1929	Aug. 6, 1930	.....
Sweden.....	July 27, 1929	July 3, 1931	.....
Switzerland.....	July 27, 1929	Dec. 19, 1930	.....
Turkey.....	July 27, 1929	Mar. 10, 1934	.....
Union of South Africa.....	July 27, 1929	June 23, 1931	.....
United States of America.....	July 27, 1929	Feb. 4, 1932	.....
Uruguay.....	July 27, 1929	.....	.....
Venezuela.....	July 27, 1929	.....	.....
Yugoslavia.....	July 27, 1929	May 20, 1931	.....

III.—OBSERVATIONS GÉNÉRALES

Les conditions fixées ci-dessus doivent, d'une façon générale, être interprétées et appliquées dans un esprit aussi large que possible.

Cette largeur d'interprétation doit être appliquée particulièrement aux états névropathiques ou psychopathiques causés ou déterminés par les événements de la guerre ou de la captivité même (psychasthénie des prisonniers de guerre), ainsi qu'aux cas de tuberculose à tous les degrés.

Il va de soi que les médecins de camp et les commissions médicales mixtes peuvent se trouver en présence d'une foule de cas non mentionnés parmi les exemples donnés sous chiffre II, ou de cas ne s'adaptant pas à des exemples. Les exemples mentionnés ci-dessus ne sont donnés que comme exemple typiques; une liste analogue d'exemples d'altérations chirurgicales n'a pas été établie parce que, abstraction faite des cas incontestables par leur nature même (amputations), il est difficile de dresser une liste de types particuliers; l'expérience a démontré qu'un exposé de ces cas particuliers n'était pas sans inconvénients dans la pratique.

On résoudra tous les cas ne s'adaptant pas exactement aux exemples cités, en s'inspirant de l'esprit des principes directeurs ci-dessus.

CONVENTION DE 1929 RELATIVE AU TRAITEMENT DES PRISONNIERS DE GUERRE  
SIGNATURES, RATIFICATIONS ET ACCESSIONS

PAYS	Signature	Ratification	Accessions
Allemagne.....	27 juillet 1929	21 fév. 1934	.....
Australie.....	27 juillet 1929	23 juin 1931	.....
Autriche.....	27 juillet 1929	3 mars 1936	.....
Belgique.....	27 juillet 1929	12 mai 1932	.....
Bolivie.....	27 juillet 1929	13 août 1940	.....
Brésil.....	27 juillet 1929	13 mars 1932	.....
Bulgarie.....	27 juillet 1929	13 oct. 1937	.....
Canada.....	27 juillet 1929	20 fév. 1933	.....
Chili.....	27 juillet 1929	1 juin 1933	.....
Chine.....	27 juillet 1929	19 nov. 1935	.....
Colombie.....	27 juillet 1929	5 juin 1941	.....
Cuba.....	27 juillet 1929	.....	.....
Danemark.....	27 juillet 1929	5 août 1932	.....
Dominicaine (République).....	27 juillet 1929	.....	.....
Egypte.....	27 juillet 1929	25 juillet 1933	.....
Espagne.....	27 juillet 1929	6 août 1930	.....
Estonie.....	27 juillet 1929	11 juin 1936	.....
Etat libre d'Irlande.....	27 juillet 1929	.....	.....
Etats-Unis d'Amérique.....	27 juillet 1929	4 fév. 1932	.....
Finlande.....	27 juillet 1929	.....	.....
Grande-Bretagne.....	27 juillet 1929	23 juin 1931	.....
Grèce.....	27 juillet 1929	28 mai 1935	.....
Hongrie.....	27 juillet 1929	10 sept. 1936	.....
Inde.....	.....	23 juin 1931	29 mai 1934
Iraq.....	27 juillet 1929	.....	.....
Italie.....	27 juillet 1929	24 mars 1931	.....
Japon.....	27 juillet 1929	.....	.....
Lettonie.....	.....	14 oct. 1931	27 fév. 1939
Lithuanie.....	27 juillet 1929	.....	.....
Luxembourg.....	27 juillet 1929	.....	.....
Mexique.....	27 juillet 1929	1 août 1932	.....
Nicaragua.....	27 juillet 1929	.....	.....
Norvège.....	27 juillet 1929	24 juin 1931	.....
Nouvelle-Zélande.....	27 juillet 1929	23 juin 1931	.....
Pays-Bas.....	27 juillet 1929	5 oct. 1932	.....
Perse.....	27 juillet 1929	.....	.....
Pologne.....	27 juillet 1929	29 juin 1932	.....
Portugal.....	27 juillet 1929	8 juin 1931	.....
Roumanie.....	27 juillet 1929	24 oct. 1931	.....
Siam.....	.....	3 juin 1939	15 sept. 1939
Slovaquie.....	27 juillet 1929	.....	.....
Suède.....	27 juillet 1929	3 juillet 1931	.....
Suisse.....	27 juillet 1929	19 déc. 1930	.....
Tchécoslovaquie.....	27 juillet 1929	12 oct. 1937	.....
Turquie.....	27 juillet 1929	10 mars 1934	.....
Union de l'Afrique du Sud.....	27 juillet 1929	23 juin 1931	.....
Uruguay.....	27 juillet 1929	.....	.....
Vénézuéla.....	27 juillet 1929	.....	.....
Yougoslavie.....	27 juillet 1929	20 mai 1931	.....



APPENDIX

CHRONOLOGICAL LIST OF CONVENTIONS  
WHETHER BINDING UPON CANADA OR NOT  
CONTAINING RED CROSS OR PRISONERS OF WAR PROVISIONS\*

a1.—Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, concluded at Geneva, August 22, 1864.....	C.T.S. 1942/6**
a2.—Convention for Adapting to Maritime Warfare the Principles of the Geneva Convention of 1864, concluded at The Hague, July 29, 1899.....	C.T.S. 1942/6
a3.—Convention respecting the Laws and Customs of War on Land, concluded at The Hague, July 29, 1899 (See Annex, Art. 4-21, 27, 57-60).....	B.T.S. 1901/11
b4.—Convention for the Exemption of Hospital Ships from Harbour Dues and Taxes, concluded at The Hague, December 21, 1904.....	B.S.P. 98/624
a5.—Convention (1st Revised) for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, concluded at Geneva, July 6, 1906.....	B.T.S. 1907/15
c6.—Convention (Revised) for Adapting to Maritime Warfare the Principles of the Geneva Convention of July 6, 1906, concluded at The Hague, October 18, 1907 .....	B.S.P. 100/415
a7.—Convention (Revised) respecting the Laws and Customs of War on Land, concluded at The Hague, October 18, 1907 (See Annex, Art. 4-21, 27).....	B.T.S. 1910/9
c8.—Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land, concluded at The Hague, October 18, 1907 (See Art. 11-15) .....	B.S.P. 100/359
c9.—Convention respecting the Rights and Duties of Neutral Powers in Maritime War, concluded at The Hague, October 18, 1907 (See Art. 3, 21, 23-24).....	B.S.P. 100/448
a10.—Convention concerning Bombardments by Naval Forces in Time of War, concluded at The Hague, October 18, 1907 (See Art. 5).....	C.T.S. 1942/6
a11.—Convention relative to Certain Restrictions on the Exercise of the Right of Capture in Naval War, concluded at The Hague, October 18, 1907 (See Art. 5-8) .....	C.T.S. 1942/6

\* The Conventions listed under No. 2-11 incl. contain a "general participation clause" providing that the Convention is applicable only if all the belligerents are parties to the Convention. In respect of Conventions Nos. 3 and 7, however, Convention No. 13 (Prisoners of War) stipulates (Art. 89) that, in the relations between the Powers who are bound either by Convention No. 3 or Convention No. 7, and are parties to Convention No. 13, the latter shall be complementary to Chapter 2 of the Regulations annexed to Conventions Nos. 3 and 7.

\*\* "C.T.S." means *Canada Treaty Series*; "B.T.S." means *British Treaty Series*; "B.S.P." means *British State and Foreign Papers*.

a. Ratified on behalf of Canada.  
b. Neither signed nor acceded to on behalf of Canada.  
c. Signed but not ratified on behalf of Canada.



## ANNEXE

**LISTE CHRONOLOGIQUE DES CONVENTIONS  
LIANT LE CANADA OU NON  
CONTENANT DES STIPULATIONS RELATIVES À LA CROIX-ROUGE  
OU AUX PRISONNIERS DE GUERRE\***

- a1.—Convention pour l'Amélioration du Sort des Blessés et des Malades dans les Armées en Campagne, conclue à Genève le 22 août 1864..... R.T.C. 1942/6\*\*
- a2.—Convention pour l'Adaptation à la Guerre Maritime des Principes de la Convention de Genève du 22 août 1864, conclue à La Haye le 29 juillet 1899..... R.T.C. 1942/6
- a3.—Convention relative aux Lois et Coutumes de la Guerre sur Terre, conclue à La Haye le 29 juillet 1899 (Voir Annexe, Art. 4-21, 27, 57-60)..... B.T.S. 1901/11
- b4.—Convention pour Exempter les Bâtiments-Hospitaliers des Droits et Taxes imposés dans les Ports, conclue à La Haye le 21 décembre 1904..... B.S.P. 98/624
- a5.—Convention (Revisée) pour l'Amélioration du Sort des Blessés et des Malades dans les Armées en Campagne, conclue à Genève le 6 juillet 1906..... B.T.S. 1907/15
- c6.—Convention (Revisée) pour l'Adaptation à la Guerre Maritime des Principes de la Convention de Genève du 6 juillet 1906, conclue à La Haye le 18 octobre 1907... B.S.P. 100/415
- a7.—Convention (Revisée) relative aux Lois et Coutumes de la Guerre sur Terre, conclue à La Haye le 18 octobre 1907 (Voir Annexe, Art. 4-21, 27)..... B.T.S. 1910/9
- c8.—Convention concernant les Droits et Devoirs des Etats Neutres dans une Guerre sur Terre, conclue à La Haye le 18 octobre 1907 (Voir Art. 11-15)..... B.S.P. 100/359
- c9.—Convention concernant les Droits et Devoirs des Etats Neutres dans une Guerre Maritime, conclue à La Haye le 18 octobre 1907 (Voir Art. 3, 21, 23-24)..... B.S.P. 100/448
- a10.—Convention concernant le Bombardement par des Forces Navales en Temps de Guerre, conclue à La Haye le 18 octobre 1907 (Voir Art. 5)..... R.T.C. 1942/6
- a11.—Convention relative à Certaines Restrictions à l'Exercice du Droit de Capture dans une Guerre Maritime, conclue à La Haye le 18 octobre 1907 (Voir Art. 5-8)..... R.T.C. 1942/6

\* Les Conventions mentionnées sous les n. 2-11 incl. contiennent une clause portant que la Convention n'est applicable que si tous les belligérants sont parties à la Convention. A l'égard des Conventions n. 3 et 7, toutefois, la Convention n. 13 (Prisonniers de Guerre) stipule (Art. 89) que, dans les rapports entre Puissances liées par l'une ou l'autre des Conventions n. 3 et 7 et qui participent à la Convention n. 13, celle-ci complétera le chapitre II du Règlement annexé aux Conventions n. 3 et 7.

\*\* "R.T.C." vise le *Recueil des Traités du Canada*; "B.T.S." signifie *British Treaty Series*; "B.S.P." signifie *British State and Foreign Papers*.

a. Ratifiée au nom du Canada.

b. Ni signée ni ratifiée au nom du Canada.

c. Signée mais non ratifiée au nom du Canada.

- a12.—Convention (2nd Revised) for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, concluded at Geneva, July 27, 1929..... C.T.S. 1942/6
- a13.—Convention relative to the Treatment of Prisoners of War, concluded at Geneva, July 27, 1929..... C.T.S. 1942/6
- a14.—Covenant of the League of Nations (See Art. 25).... B.T.S. 1919/4
- d15.—Convention and Statute establishing an International Relief Union, concluded at Geneva, July 12, 1927 (Convention: Art. 5, 6, 13; Statute: Art. 5, 7, 14-16). B.T.S. 1933/3

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a. Ratified on behalf of Canada

d. Adhered to by Great Britain, but not by Canada.

- a12.—Convention (Revisée) pour l'Amélioration du Sort des Blessés et des Malades dans les Armées en Campagne, conclue à Genève le 27 juillet 1929..... R.T.C. 1942/6
- a13.—Convention relative au Traitement des Prisonniers de Guerre, conclue à Genève, le 27 juillet 1929..... R.T.C. 1942/6
- a14.—Pacte de la Société des Nations (Voir Art. 25)..... B.T.S. 1919/4
- d15.—Convention et Statuts créant une Union Internationale de Secours, conclue à Genève le 12 juillet 1927 (Voir Convention, Art. 5, 6, 13; Statuts, Art. 5, 7, 14-16) .... B.T.S. 1933/3

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a. Ratifiée au nom du Canada.  
d. La Grande-Bretagne a adhéré, mai non pas le Canada.





W. S. C.  
Can  
E

Canada. External Affairs, Dep'n

CANADA

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TREATY SERIES, 1942

No. 7

EXCHANGE OF NOTES

(March 30, April 6 and 8, 1942)

BETWEEN

CANADA AND THE UNITED STATES  
OF AMERICA

CONCERNING

MILITARY SERVICE

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IN FORCE APRIL 8, 1942

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OTTAWA  
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1942

## SUMMARY

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# EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES OF AMERICA CONCERNING MILITARY SERVICE\*

Signed at Washington, March 30, April 6 and 8, 1942

## I

*The Acting Secretary of State of the United States to the Canadian Minister at Washington*

DEPARTMENT OF STATE

WASHINGTON, March 30, 1942.

SIR:

I have the honor to refer to conversations which have taken place between officers of the Canadian Legation and of the Department with respect to the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States.

As you are aware the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service

\* Cf. *Canada Treaty Series* 1942, No. 5: Exchange of Notes between Canada and the United States recording an agreement for the exchange of personnel between the armed forces of the two countries, effected March 18 and 20, 1942.



Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:—

- (a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government.
- (b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above.
- (c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Canada upon the receipt from you of a note stating that your government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b) and (c) above.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES  
*Acting Secretary of State.*

## II

*The Canadian Minister at Washington to the Acting Secretary of State  
of the United States*

CANADIAN LEGATION

No. 222

WASHINGTON, April 6, 1942.

SIR,

I have the honour to refer to your Note of March 30, 1942, concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States.

2. In your Note you make certain proposals which, so far as they affect Canada, may be set forth as follows:—

(1) The Government of the United States is prepared to initiate a procedure which will permit non-declarant Canadian nationals who register under the United States Selective Training and Service Act of 1940, as amended, to elect, at any time prior to their induction into the Armed Forces of the United States, to serve in the Naval, Military or Air Forces of Canada in lieu of service in the Armed Forces of the United States. Individuals who elect for service with the Canadian forces will

be physically examined by the Armed Forces of the United States; if they are found to be physically qualified, the results of the examinations will be forwarded to the proper authorities of Canada. On receipt from the Canadian Government of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers, the appropriate State Director of the Selective Service System will direct the local Selective Service board concerned to send the individual to a designated reception point for induction into the Naval, Military or Air Forces of Canada. If, on arrival at the reception point, the individual is found to be not acceptable to the Naval, Military or Air Forces of Canada, he shall be liable for immediate induction into the Armed Forces of the United States.

(2) The Government of the United States is prepared to make the proposed regime effective immediately with respect to Canada on receipt of a note stating that the Canadian Government desires to participate in the regime and agrees to the following stipulations:

- (a) The Canadian Government shall not exercise any threat or compulsion of any nature to induce any person in the United States to enlist in the Naval, Military or Air Forces of Canada or of any other foreign Government;
- (b) The Canadian Government shall grant reciprocal treatment to United States citizens, that is, United States citizens subject to compulsory military service in Canada shall, prior to induction into the Naval, Military or Air Forces of Canada, be granted the opportunity of electing to serve in the Armed Forces of the United States in substantially the same manner as that outlined above;
- (c) The Canadian Government shall not accept enlistments in the United States from United States citizens subject to registration or from aliens of any nationality who have declared their intention of becoming United States citizens and are subject to registration.

3. The policy of the Canadian Government and Canadian legislation have been based on the assumption that measures applying compulsory military service to aliens should be founded upon agreement with the interested Governments. The Canadian Government is of the opinion that difficulties might arise if there were general recognition of a right to conscript aliens, implying corresponding rights in other countries to conscript Canadian nationals. The Canadian Government, however, does not wish to raise a legal objection at the present time. In view of the close co-operation between Canada and the United States in the prosecution of the war, and in view of the time that will be saved and of the other undoubted, practical advantages to be derived from the acceptance of these United States proposals, the Canadian Government is prepared to co-operate with the Government of the United States by participating in the regime set forth above, full reciprocity on all points being assured by the United States Government.

4. The Canadian Government agrees to stipulation (a) on the understanding that the United States Government is willing, if requested, to make a reciprocal promise. It is understood, of course, that the engagement set out in stipulation (a) is limited to the present case and, furthermore, that it is not intended to prevent the Canadian Government from declaring the legal liability of Canadians everywhere, including the United States, to serve in the Canadian Forces, so long as nothing is said or done by the Canadian Government in the United States by way of threat or compulsion. The reason for this reservation is that



Canada may decide in the future to create a general legal liability of Canadians abroad to serve in the Canadian Forces similar to the existing provision in the United States Selective Training and Service Act imposing a liability on United States citizens everywhere. If Canada creates such a liability, the Canadian Government would not wish to exclude any part of the globe.

5. The Canadian Government agrees to stipulation (b) on the understanding, firstly, that the United States Government is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada, and secondly, that declarant United States citizens in Canada, like declarant Canadian nationals in the United States, will not be granted an opportunity of electing to serve in the armed forces of the country of which they are nationals.

6. The Canadian Government agrees to stipulation (c) on a basis of reciprocity, that is, that the United States will not accept enlistments in Canada from Canadian nationals or from declarant aliens of any nationality who may be subject to liability to compulsory military service under Canadian law.

7. The Canadian Government assumes that the words "active service in the armed forces of the co-belligerent country" in paragraph four of your Note mean, so far as Canada is concerned, full time duty in the Naval, Military or Air Forces of Canada.

8. The Canadian Government understands that nothing in this exchange of notes will be construed as imposing any obligation on the Canadian Government to return to the United States Canadian nationals who may be deemed to be draft delinquents under United States law.

9. In order that non-declarant Canadian nationals in the United States may be informed of the conditions of service in the Naval, Military and Air Forces of Canada, National Defence Headquarters in Ottawa will give the Selective Service System of the United States copies of a pamphlet setting forth the conditions of service, on the understanding that the Selective Service System will make the pamphlets available to non-declarant Canadian nationals who are called up for induction into the Armed Forces of the United States.

10. The Canadian Government trusts that Canadian nationals who are permanent residents of the United States and who elect for service in the Naval, Military or Air Forces of Canada and accepted by one of those Forces will be permitted to return to the United States at any time within six months after the termination of their service with the Canadian Forces.

I have the honour to be, with the highest consideration, Sir, your most obedient humble servant.

H. H. WRONG,  
*For the Minister.*



## III

*The Acting Secretary of State of the United States to the Canadian Minister  
at Washington*

## DEPARTMENT OF STATE

WASHINGTON, April 8, 1942.

SIR:

I have the honor to acknowledge the receipt of your note No. 222 of April 6, 1942, referring to my note of March 30 concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States and stating that the Canadian Government is prepared to co-operate with the Government of the United States by participating in the regime outlined in my note of March 30, on the understanding that full reciprocity on all points contained therein will be accorded by the Government of the United States.

I am pleased to inform you that the Government of the United States hereby assures the Government of Canada full reciprocity with respect to the regime in question and likewise agrees to the understandings, limitations, and assumptions set forth in numbered paragraphs 4 through 9 inclusive of your note under acknowledgment.

With respect to numbered paragraph 10 of your note relating to the return to the United States of Canadian nationals who elect to serve in the Naval, Military or Air Forces of Canada and are accepted by one of those forces, you are informed that the Department of State is requesting the Department of Justice to recommend to the Congress of the United States the adoption of appropriate legislation with a view to simplifying to the fullest extent possible the re-entry to the United States of the individuals in question at any time within six months after the termination of their service with the Canadian forces.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES  
*Acting Secretary of State.*



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Canada. External Affairs, Sept. 1942

CANADA

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TREATY SERIES, 1942

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No. 8

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EXCHANGE OF NOTES

(April 6, 1942)

BETWEEN

CANADA AND VENEZUELA

RENEWING

THE COMMERCIAL *MODUS VIVENDI*  
OF THE 26th MARCH, 1941

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IN FORCE APRIL 7, 1942

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No. 8

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1942

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**EXCHANGE OF NOTES BETWEEN CANADA AND VENEZUELA  
RENEWING FOR ONE YEAR THE COMMERCIAL *MODUS  
VIVENDI* OF THE 26th MARCH, 1941.\***

Signed at Caracas, April 6, 1942

I

*The British Minister at Caracas  
to the Venezuelan Foreign Minister*

BRITISH LEGATION

CARACAS, April 6, 1942.

Monsieur le MINISTRE,

In accordance with instructions received by me from the Government of Canada, I have the honour to place on record in this note that it has been agreed between the Government of Canada and the Government of the United States of Venezuela that the *modus vivendi* which regulates the commercial relations between the two countries which was signed at Caracas on the 26th March, 1941, and which came into force on the 7th April, 1941, shall be renewed without modification for a further period of one year that is to say until the 6th April, 1943, as provided for in the notes which constituted the *modus vivendi*.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

D. ST. CLAIR GAINER.

---

\* For the text of the *modus vivendi* of the 26th March, 1941, see *Canada Treaty Series* 1941, No. 5.

## II

*The Foreign Minister of Venezuela  
to the British Minister at Caracas*

DIRECCION DE POLITICA ECONOMICA  
SECCION DE ECONOMIA

CARACAS, 6 de abril de 1.942.

No. 3157-E.

Señor MINISTRO:

Tengo a honra dejar constancia por la presente nota de que he sido autorizado por mi Gobierno para renovar sin modificaciones por el término de un año, hasta el 6 de abril de 1.943, el *modus-vivendi* commercial concluido entre los Estados Unidos de Venezuela y Canadá, en Caracas, el 26 de marzo de 1.941, y que entró en vigor el 7 de abril del mismo año.

Válgome de la oportunidad para renovar a V.E. les seguridades de mi alta consideración.

C. PARA-PÉREZ.

*(Translation)*

DIVISION OF POLITICAL ECONOMY  
SECTION OF ECONOMICS

CARACAS, April 6, 1942.

No. 3157-E.

SIR:

I have the honour to confirm by this note that I have been authorized by my Government to renew without modifications for a further period of one year, until the 6th of April, 1943, the commercial *modus vivendi* which was concluded between the United States of Venezuela and Canada, at Caracas, on the 26th of March, 1941, and which came into force on the 7th April of the same year.

I avail myself of this opportunity to renew to your Excellency the assurances of my high consideration.

C. PARA-PÉREZ.

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Canada. External Affairs, Sep 11

CANADA

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TREATY SERIES, 1942

No. 9

AGREEMENT

BETWEEN

CANADA

AND THE

UNION OF SOVIET SOCIALIST  
REPUBLICS

PROVIDING FOR THE

EXCHANGE OF CONSULS

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IN FORCE FEBRUARY 5, 1942

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BETWEEN

CANADA

AND THE

UNION OF SOVIET SOCIALIST  
REPUBLICS

PROVIDING FOR THE

EXCHANGE OF CONSULS

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IN FORCE FEBRUARY 5, 1942

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## AGREEMENT

### BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of Canada and the Government of the Union of Soviet Socialist Republics have reached an agreement as follows:

(1) The two Governments have agreed to exchange Consular representatives, the number and residence of which will be decided by subsequent negotiations between them.

(2) The present agreement comes into force immediately after its signature and is not subject to ratification.

(3) The present agreement is drawn up in two copies, each of them in the Russian and the English languages. Both texts have equal force.

VINCENT MASSEY

*High Commissioner for Canada.*

(SEAL)

LONDON, 5th February, 1942.



С О Г Л А Ш Е Н И Е  
МЕЖДУ ПРАВИТЕЛЬСТВОМ КАНАДЫ И ПРАВИТЕЛЬСТВОМ СОЮЗА  
СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК.

Правительство Канады и Правительство Союза Советских Социалистических Республик пришли к следующему соглашению:

1. Оба Правительства согласились обмениваться Консульскими представителями, число и местопребывание которых будет определено путем последующих переговоров между ними.
2. Настоящее соглашение вступает в силу немедленно по подписании и ратификации не подлежит.
3. Настоящее соглашение составлено в двух экземплярах, каждый на русском и английском языках. Оба текста имеют одинаковую силу.

И. МАЙСКИЙ

(L. S.)

Чрезвычайный и Полномочный  
Посол Союза Советских Соци-  
алистических Республик в  
Великобритании

Лондон, 5 февраля 1942 года.



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Canada External Affairs, Dept. of

CANADA

TREATY SERIES, 1942

No. 10

TREATY

FOR THE

EXTRADITION OF CRIMINALS

CONCLUDED BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

Washington, April 29, 1942



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# TREATY FOR THE EXTRADITION OF CRIMINALS BETWEEN CANADA AND THE UNITED STATES OF AMERICA\*

Signed at Washington, April 29, 1942

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada; and

The President of the United States of America,

Desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have named for that purpose as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, for Canada:

Mr. Leighton McCarthy, K.C., Envoy Extraordinary and Minister Plenipotentiary of Canada at Washington; and

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

## ARTICLE I

The high contracting parties engage to deliver up to each other, under the circumstances and conditions stated in the present treaty, those persons who, being accused or convicted of any of the crimes or offenses enumerated in article III, committed within the territory of the one party, shall be found within the territory of the other party.

## ARTICLE II

For the purposes of the present treaty:

- (a) the territory of Canada shall be deemed to be all territory wherever situated under its exclusive administration and control;
- (b) the territory of the United States of America shall be deemed to be all territory wherever situated belonging to the United States of America including its dependencies and all other territories under its exclusive administration or control;
- (c) the word "territory" shall be deemed to include territorial waters, merchant vessels on and aircraft over the high seas, and men of war wherever situated;
- (d) "requesting country" shall be deemed to mean that country on behalf of which a competent authority requests the surrender of an accused or convicted person;
- (e) "requested country" shall be deemed to mean that country from which the surrender of an accused or convicted person is requested by a competent authority of the other country.

---

\* For the extradition arrangements previously in effect, see the Conventions concluded between His Britannic Majesty and the United States on the 9th August, 1842 (*Treaties and Agreements Affecting Canada in force between His Majesty and the United States of America*, 1814-1925, Ottawa, 1927, page 18), the 12th July, 1889 (*ibid.*, p. 73), the 13th December, 1900 (*ibid.*, p. 140), the 12th April, 1905 (*ibid.*, p. 163), the 15th May, 1922, (*ibid.*, p. 504), and the 8th January, 1925 (*ibid.*, p. 514).

## ARTICLE III

Extradition shall be reciprocally granted for the following crimes or offenses:

1. Murder (including crimes designated by the terms assassination, paricide, poisoning, and infanticide); manslaughter.

2. Malicious wounding; inflicting grievous bodily harm.

3. Rape, abortion, carnal knowledge of children under the age of 16 years; indecent assault or incest provided such crime or offense is punishable by the laws of both countries.

4. Procuration; abduction, or detention of women or girls for immoral purposes.

5. Bigamy.

6. Arson.

7. Wilful and unlawful destruction or obstruction of railroads, highways, docks, channels, beacons and buoys, airdromes, and other transportation facilities.

8. Crimes committed on the high seas, in the territorial seas or inland waters as follows:

(a) Piracy, as commonly known and defined by the law of nations, or by statutes;

(b) Wrongfully sinking or destroying a vessel or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship with intent to do bodily harm.

9. Burglary, shop-breaking, and house-breaking.

10. The act of breaking into and entering the offices of government and public authorities, or any buildings not dwellings with intent to commit a crime or offense therein.

11. Robbery.

12. Forgery or uttering what is forged.

13. The forgery or falsification of the official documents or acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above-mentioned objects; knowingly and without lawful authority making or having in possession any instrument, tool or engine adapted and intended for the counterfeiting of any of the above-mentioned objects.

15. Embezzlement.

16. Kidnapping or false imprisonment of minors or adults.
17. Larceny or theft.
18. Obtaining any property, including money or valuable securities, by false pretenses, or receiving any property, including money or valuable securities, knowing the same to have been unlawfully obtained.
19. Perjury or subornation of perjury.
20. Fraud, or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, or by a director or officer of any company or corporation, or by any one in any fiduciary position; fraudulent conversion.
21. Crimes and offenses against the laws for the suppression of slavery and slave trading.
22. Wilful desertion or wilful non-support of minor or dependent children.
23. Bribery, defined to be the offering, giving or receiving of bribes.
24. Crimes or offenses against the bankruptcy laws.
25. Crimes or offenses against the laws for the suppression of traffic in narcotics.
26. Using the mails to defraud.
27. Extortion, or threats with intent to extort money or other things of value.
28. Malicious injury to property.
29. Use of explosives so as to endanger human life or property.
30. Smuggling, defined to be the act of wilfully and knowingly violating the customs laws.
31. Crimes or offenses against the laws for the prevention of fraud in the sale or purchase of securities.
32. Crimes or offenses, if indictable, against the laws regulating
  - (a) public securities markets, or activities affecting such markets;
  - (b) registration or licensing of securities or of persons or companies doing business in securities, or giving advice with respect thereto;
  - (c) investment or public utility companies.
33. Extradition shall also take place for participation or conspiracy in any of the crimes or offenses before mentioned or in any attempt to commit any of such crimes or offenses.

#### ARTICLE IV

An accused person shall not be surrendered if the crime or offense for which his surrender is requested is one of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try to punish him for a crime or offense of a political character, provided that in no case shall murder, assassination or poisoning, either consummated or attempted, be deemed a crime or offense of a political character.



## ARTICLE V

An accused person shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause according to the laws of the requesting country, he is exempt from prosecution or punishment for the crime or offense for which the surrender is asked.

## ARTICLE VI

Extradition shall not take place if the person claimed has already been tried and discharged or punished, or is being punished, or is still under trial in the territories of the requested country, for the crime or offense for which his extradition is requested.

If the accused person be actually under prosecution, out on bail or in custody, for a crime or offense committed in the requested country, or shall have been convicted thereof, his extradition may be deferred until such proceedings be ended, and until he shall have been set at liberty in due course of law.

## ARTICLE VII

No person shall be tried for any crime or offense committed prior to his extradition, other than that for which he was surrendered, unless for one month after trial or, in case of conviction, for one month after having suffered his punishment, or having been pardoned, he has been at liberty to leave the country.

## ARTICLE VIII

The arrest and extradition of persons under the provisions of this treaty shall be carried out in Canada and in the United States of America, respectively, in conformity with the laws regulating extradition for the time being in force in the requested country.

Pertinent statutes of the requesting country shall be regarded as sufficiently proved for the purposes of extradition if they are certified by a principal law officer of such country or a sub-division thereof.

Requisition for the surrender of accused persons shall be made by the diplomatic agent of the requesting country. In the event of the absence of such agent from the country, requisition may be made by a consular officer.

## ARTICLE IX

Extradition shall take place if the evidence be found sufficient to justify committal for trial for a crime or offense against the laws of the requesting country. In determining the sufficiency of such evidence, the courts of the requested country may apply the laws of the requested country with regard to the sufficiency of evidence to justify committal for trial in criminal causes. It shall not be essential to produce evidence sufficient to convict the accused person of the crime or offense charged were he placed on trial therefor, and it shall not be essential to establish that the crime or offense would be a crime or offense under the laws of the requested country.

If the person claimed shall have been convicted of the crime or offense for which his surrender is asked, it shall be sufficient to prove that he is the identical person so convicted in the courts of the requesting country and to produce a duly authenticated copy of the sentence of the court before which such conviction took place.

## ARTICLE X

If the person claimed by one of the high contracting parties pursuant to the stipulations of this treaty shall also be claimed by one or more other countries on account of crimes or offenses committed within their jurisdiction, such person shall be delivered to that country whose claim is first received unless such claim is waived.

## ARTICLE XI

Either Government may ask for the provisional apprehension and detention of a person, if it indicates at the same time its intention to request his extradition. During the period of provisional arrest of a person, whether pursuant to a formal request or otherwise, for the purpose of extradition hereunder, the legal officers of the requested country shall oppose the release on bail of such accused or convicted person, except in cases in which the denial of bail would, in their opinion, cause injustice.

Any fugitive provisionally arrested shall be released unless within two months from the date of arrest, or within such further time as a proper authority of the requested country shall direct, the formal requisition for surrender is made by the appropriate representative of the requesting country and within that time the documentary proofs in support of the requisition are produced before the appropriate judge or magistrate.

If, at any time prior to committal for trial, the accused or convicted person shall signify his willingness to return to the requesting country he shall, subject to the consent of the competent authorities of the requested country, be delivered to the proper officials of the requesting country for return thereto.

## ARTICLE XII

All articles which were in the possession of the person to be surrendered at the time of his apprehension, and any articles that may serve as a proof of the crime or offense, shall be given up when the extradition takes place, in so far as this may be permitted by the law of the requested country.

## ARTICLE XIII

All expenses connected with the extradition shall be borne by the requesting country. However, the appropriate legal officers of the requested country where the proceedings of extradition are had, shall, consistently with the discharge of their duties and without charge, co-operate with the officers of the requesting country before the respective judges and magistrates.

## ARTICLE XIV

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect ten days after the exchange of ratifications which shall take place at Washington as soon as possible.

The present treaty shall remain in force for a period of five years and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of his intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

On the coming into force of the present treaty it shall supersede all other existing provisions of treaties and conventions relating to extradition between Canada and the United States of America.

IN WITNESS WHEREOF the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

DONE in duplicate at Washington this twenty-ninth day of April, 1942.

(Seal)

LEIGHTON McCARTHY

(Seal)

CORDELL HULL



(CANADA)

TREATY SERIES, 1942

No. 11

EXCHANGE OF NOTES

(April 24, May 20, and June 27, 1942)

BETWEEN THE

GOVERNMENTS OF ARGENTINA, AUSTRALIA,  
CANADA, THE UNITED KINGDOM AND THE  
UNITED STATES OF AMERICA

BRINGING INTO EFFECT AS FROM JUNE 27, 1942, THE  
MEMORANDUM OF AGREEMENT INITIALLED AT  
THE FINAL SESSION OF THE WHEAT  
MEETING HELD AT WASHINGTON

From July 10, 1941, to April 22, 1942



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Washington, April 24, May 20 and June 27, 1942

I

*The United States Secretary of State to the Canadian Minister at Washington*<sup>2</sup>

DEPARTMENT OF STATE

WASHINGTON, April 24, 1942.

SIR,—Pursuant to the conclusion of the wheat discussions which have been carried on at Washington by officials of the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States, I have the honor to enclose herewith copies in English and Spanish<sup>3</sup> of the Memorandum of Agreement, including the Draft Convention attached thereto, and of the Minutes of the Final Session of the Washington Wheat Meeting relating to the Memorandum, which have been initialled by officials of those governments as competent experts in a position to reflect the views of their respective governments.

Your Government is invited to signify its approval of the Memorandum of Agreement and the interpretation thereof according to the Minutes of the Final Session of the Washington Wheat Meeting, it being understood that upon notification by this Government to the Governments of Argentina, Australia, Canada, and the United Kingdom that each of the five governments has signified its approval, the provisions of the Memorandum of Agreement will be deemed to come into effect.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

*Enclosure 1*

MEMORANDUM OF AGREEMENT

1. Officials of Argentina, Australia, Canada and the United States, wheat exporting countries, and of the United Kingdom, a wheat importing country, met in Washington on the 10th July, 1941, to resume the wheat discussions which were interrupted in London by the outbreak of war in September 1939, and to consider what steps might be taken toward a solution of the international wheat problem.

<sup>1</sup> The Washington Wheat Meeting comprised representatives of five of the ten countries which participated in the work of the Preparatory Committee for an international wheat conference established, on the 13th January, 1939, by the International Advisory Committee set up under the World Wheat Agreement signed at London, in the offices of the High Commissioner for Canada, the 25th of August, 1933, for the text of which see *Canada Treaty Series* 1933, No. 11, or *League of Nations Treaty Series* 1933, No. 3262.

<sup>2</sup> Similar notes were addressed to the Diplomatic Representatives at Washington of Argentina, Australia and the United Kingdom.

<sup>3</sup> Spanish text not printed.



2. The discussions at Washington, which extended over a period of many months, have made it clear that a satisfactory solution of the problem requires an international wheat agreement and that such an agreement requires a conference of the nations willing to participate which have a substantial interest in international trade in wheat. It was also recognized that, pending the holding of such a conference, the situation should not be allowed to deteriorate. The Washington Wheat Meeting has recorded the results of its deliberations in the attached Draft Convention in order to facilitate further international consideration of the subject at such time as may be possible and to provide a basis for such interim measures as may be found necessary.

3. The Washington Wheat Meeting has recognized that it is impracticable to convene at the present time the international wheat conference referred to above. Accordingly, the five countries present at that Meeting have agreed that the United States, so soon as after consultation with other countries it deems the time propitious, should convene a wheat conference of the nations having a substantial interest in international trade in wheat which are willing to participate, and that the Draft Convention above mentioned should be submitted to that Conference for consideration.

4. In the meantime, there should be no delay in the provision of wheat for relief in war-stricken and other necessitous areas so soon as in the view of the five countries circumstances permit. Likewise it is imperative that the absence of control measures over the accumulation of stocks in the four countries now producing large quantities of wheat for markets no longer available should not create insoluble problems for a future conference. Accordingly, the five countries have agreed to regard as in effect among themselves, pending the conclusions of the conference referred to above, those arrangements described in the attached Draft Convention which are necessary to the administration and distribution of the relief pool of wheat and to the control of production of wheat other than those involving the control of exports.

5. If the conference contemplated above shall have met and concluded an agreement prior to the cessation of hostilities, no further action will be needed by the countries represented at the Washington Meeting. However, if this is not the case, it will be necessary, in order to prevent disorganization and confusion in international trade in wheat, to institute temporary controls pending the conclusions of the conference. Accordingly, the five countries agree that in the period following the cessation of hostilities, and pending the conclusion of a wheat agreement at the conference referred to, the arrangements described in the attached Draft Convention which relate to the control of production, stocks and exports of wheat and to the administration thereof will be brought into effect among themselves. Those arrangements will come into effect on such date as may be unanimously agreed. Announcement of that date will be made within six months after the cessation of hostilities.

6. Pending the conclusions of the conference contemplated above, the five countries, on the cessation of hostilities or such earlier date as they may agree, will regard as in effect among themselves the arrangements described in the attached Draft Convention for the control of the prices of wheat. The determination of prices required to be made in accordance with those arrangements will be made by unanimous consent. If no determination of prices has been made on the cessation of hostilities, the five countries will, pending such determination but for a period not exceeding six months, maintain as the export price of wheat the last price negotiated by the United Kingdom for a bulk purchase of wheat from the principal country of supply; equivalent f.o.b. prices will be calculated for wheats of the other exporting countries and will be adjusted from time to time to meet substantial changes in freight and exchange rates.



7. In taking any decisions under this Memorandum and the arrangements of the Draft Convention which it brings into operation, each of the five countries will have one vote and a two-thirds majority will be required for decision except as otherwise provided herein.

8. The provisions of this Memorandum will be superseded by any agreement reached at the proposed wheat conference or by any arrangements which the five countries and other interested countries may make to deal with the period pending such a conference. In any event they are to terminate two years from the cessation of hostilities.

For Argentina:

A. M. V.

For Australia:

E. McC.

For Canada:

C. F. W.

For the United Kingdom:

H. F. C.

For the United States:

L. A. W.

WASHINGTON, April 22, 1942.

*Annex to Enclosure 1*

DRAFT CONVENTION

PREAMBLE

1. The prospects with regard to the production and marketing of wheat are such that accumulation of wheat surpluses threatens to result in grave post-war difficulties for the economies of the producing countries, and hence, because of the interdependence of nations, for the economies of all countries. It is also to be expected that, unless appropriate action is taken, such accumulation will recur.

2. A solution of the problem thus presented must be regarded as an essential part of any program of world economic reconstruction, and will call for co-operative action by all countries concerned in international trade in wheat. It will involve national and international measures for the regulation of wheat production in both exporting and importing countries, for the orderly distribution of wheat and flour in domestic and international trade at such prices as are fair to consumers and provide a reasonable remuneration to producers and for the maintenance of world supplies which shall be at all times ample for the needs of consumers without being so excessive as to create a world burden of unwanted surpluses.

3. Co-operative action is also necessary to meet the need for relief in the war-stricken areas of the world by the supply and distribution of gifts of wheat.

4. The benefits of abundant world supplies of wheat cannot be assured to consumers unless there is a substantial decrease in uneconomic incentives to high-cost production, a lowering of barriers to world trade and the charging of prices to consumers not substantially higher than the price of wheat in international trade.

5. In many countries the standard of living would be improved by increasing the consumption of wheat through a lowering of prices. In all countries the standard of living would be improved by stimulating the consumption of foods rich in vitamins, proteins and minerals. The increased production of such foods would offer a more valuable use for land which has at times been used uneconomically for high-cost production of wheat.

6. Producers of an international commodity such as wheat are directly affected by standards of living throughout the world, by international purchasing power and by prevailing policies and practices affecting international trade generally. There can be no basic solution of the problem of export surpluses without a general reduction of import barriers, and no measure should be taken or maintained which has the effect of retarding such reduction or of preventing in any way the fullest possible development of international trade.

Accordingly, the contracting Governments have agreed as follows:—

#### ARTICLE I (EXPANSION OF TRADE)

1. The contracting Governments agree that an essential element of a solution of the world wheat problem is that consumers should have the opportunity and means of increasing their purchases of wheat from areas which are equipped to produce it economically. They agree that such opportunity and means depend not only on the lowering of barriers to the importation of wheat, but also on making available to wheat importing countries increased outlets for the exportation of goods which they in turn are equipped to produce economically. They agree that this requires the adoption and pursuit of national and international policies aimed at a fuller and more efficient use among nations of human and natural resources and thereby a world-wide expansion of purchasing power.

2. Recognizing therefore that much that is called for transcends the scope of a wheat agreement and requires action on a broad international basis, but that much also can be accomplished by national measures and by agreements with each other and with other countries, the contracting Governments undertake to further in every way possible the attainment of the foregoing objectives.

3. The Council shall from time to time submit to the contracting Governments a review of international trade in wheat and invite them to consider, in the light of the foregoing, what measures may be adopted for the expansion of such trade.

#### ARTICLE II (PRODUCTION CONTROL)\*

1. The Governments of Argentina, Australia, Canada and the United States of America shall adopt suitable measures to ensure that the production of wheat in their territories does not exceed the quantity needed for domestic requirements and the basic export quotas and maximum reserve stocks for which provision is hereinafter made.

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\* This Article to be expanded, when further international consideration of the subject is possible, to include provisions for production control in other exporting countries and in importing countries.



2. Should, nevertheless, production in any country be found to have exceeded in any crop-year the quantity above prescribed, the Government of that country shall before the end of that crop-year take such action as will result in the disappearance of the excess production within its territories before the end of the following crop-year, or shall otherwise deal with such excess production as the Council may direct, except that if any part of the excess production is shown to the satisfaction of the Council to be due to a yield above the average of the preceding twenty years the Government of the country concerned may carry that part as provided in paragraph 3 (a) of Article III or deal with it in such other manner as may be agreed with the Council.

3. Pending the coming into force of paragraphs 1 and 2 of this Article, the Governments of Argentina, Australia, Canada and the United States of America shall adopt or maintain positive measures to control production with the object of minimizing the accumulation of excessive stocks.

### ARTICLE III (STOCKS)

1. The Governments of Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraphs 2, 3, 4 and 5 of this Article, ensure that stocks of old wheat held at the end of their respective crop-years are not less than 35, 25, 80 and 150 million bushels respectively, and not more than 130, 80, 275 and 400 million bushels respectively. Any stocks not in excess of the specified maximum are hereinafter called "reserve stocks."

2. Stocks of old wheat in any country may be permitted to fall below the specified minimum (a) if the new crop, together with the carry-over from the previous crop-year, is insufficient to meet domestic requirements and leave at the end of that crop-year the minimum reserve stocks specified, in which case those stocks may be reduced by the amount necessary fully to meet domestic requirements, and (b) in so far as the Council decides that exports from the minimum reserve stocks of that country are required fully to meet the world demand for imported wheat.

3. Stocks of old wheat may exceed the maximum by (a) the quantity of permitted excess stocks ascertained under paragraph 4 of this Article and (b) the quantity of permitted surplus stocks ascertained under paragraph 5 of this Article.

4. Such part of excess production in the first crop-year in which it occurs following the crop-year in which Article IV comes into force as may be shown under paragraph 2 of Article II to be due to above average yields shall be permitted excess stocks at the end of that crop-year. The permitted excess stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted excess stocks, if any, at the end of the preceding crop-year any quantity by which production in the crop-year then ending was less than the maximum prescribed in paragraph 1 of Article II or by adding thereto such part of any excess production in that crop-year as may be shown under paragraph 2 of Article II to be due to above average yields.

5. Stocks in excess of the maximum, as ascertained by the Council, at the end of the crop-year in which announcement is made of the date on which the provisions of Articles II, III and IV will come into effect shall be permitted surplus stocks, unless that announcement is made less than 45 days prior to the beginning of the seeding period for the next harvest in which



case stocks in excess of the maximum at the end of the succeeding crop-year shall be permitted surplus stocks. Permitted surplus stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted surplus stocks at the end of the preceding crop-year (a) any secondary or supplementary export quotas allocated in the crop-year then ending, and (b) any quantity by which production in that crop-year, plus the permitted excess stocks at the end of the preceding crop-year, was less than the maximum production prescribed in paragraph 1 of Article II.

6. Should it be shown to the satisfaction of the Council that, owing to insufficient or defective storage facilities, any part of the permitted surplus stocks in any country has been destroyed or has been disposed of by governmental measures in a manner clearly constituting extraordinary use, such part shall nevertheless be counted as permitted surplus stocks for the purposes of paragraphs 3 and 4 of Article IV so long as any other permitted surplus stocks remain in that country.

7. The Council shall

- (a) at its regular August meeting ascertain the permitted surplus stocks in Canada and the United States of America at the end of their preceding crop-years and estimate such stocks in Argentina and Australia at the end of their current crop-years, and
- (b) at its regular January meeting ascertain the permitted surplus stocks in Argentina and Australia at the end of their preceding crop-years estimate such stocks in Canada and the United States of America at the end of their current crop-years.

ARTICLE IV (EXPORT CONTROL)

1. The contracting Government of each exporting country shall adopt the measures necessary to ensure that net exports of wheat, including flour expressed in terms of its wheat equivalent, from its territories in each quota-year shall not, subject to the provisions of paragraph 11 of this Article, exceed the basic, secondary and supplementary export quotas for which provision is hereinafter made. It is recognized in principle that, within the framework of this Agreement, wheat from each exporting country should continue to find its way into its normal markets.

2. The basic export quotas for Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraph 3 of this Article, be 25, 19, 40 and 16 per cent respectively of the Council's latest published estimate of the total volume of international trade in wheat and flour in each quota-year less (a) such basic export quotas for other exporting countries as may be agreed under Article XIV, and (b) reasonable allowances, having due regard to exports in past years, for net exports from the territories of Governments not parties to the Agreement.

3. Should the residual quantity ascertained under paragraph 2 of this Article exceed 500 million bushels in any quota-year, the excess shall be allocated to Argentina, Australia, Canada and the United States of America as secondary export quotas. Allocations made in the first half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (a) of Article III, and allocations made in the second half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (b) of Article III. Should there be no permitted surplus

stocks in any of those four countries, the excess shall be allocated to those countries as secondary export quotas in proportion to their basic export quotas.

4. If the Council is satisfied that any part of any country's export quota or of the allowance made for its exports for any quota-year will not be exported by that country in that quota-year, it shall, subject to the provisions of paragraph 6 of this Article, re-allocate that part as supplementary export quotas to the other exporting countries in accordance with the procedure prescribed in paragraph 3 of this Article for the allocation of secondary export quotas. Should there be no permitted surplus stocks in any of those countries that part shall, unless the Council otherwise decides, be reallocated as supplementary export quotas to those of the other exporting countries which have percentage export quotas in proportion to those quotas.

5. No decisions taken by the Council pursuant to paragraph 4 of this Article shall prejudice the right of any country to export its full export quota within the quota-year to which it relates.

6. Should it be shown to the satisfaction of the Council that the failure of any country to ship any part of its export quota during the first quota-year is due to shortage of shipping, the amount of the supplementary export quotas allocated to other countries in respect of such part shall be deducted from the basic export quotas of those countries for the second quota-year and added to the aforementioned country's basic export quota for the second quota-year.

7. No export quota or part thereof shall be exported in any quota-year other than that to which it relates, except as otherwise provided in this Article. Should it nevertheless be shown to the satisfaction of the Council that, owing to unavoidable delay in the arrival or departure of ships, part of an export quota had not been shipped at the end of the quota-year that part may be shipped in the following quota-year, but shall be deemed to have been shipped in the quota-year to which it relates.

8. No export quota or part thereof shall be ceded, transferred or loaned by any country except as provided in this Article, or with the unanimous approval of the contracting Governments of exporting countries.

9. When it appears that any country is approaching the limit of its export quota, the Chairman of the Council, on the recommendation of the Executive Committee, shall request the Government of that country to control loadings for export during the remainder of the quota-year and to telegraph each week to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories during the preceding week.

10. When the Chairman of the Council, after consultation with the Executive Committee, finds that any country has exported its export quota for any quota-year, he shall immediately make a declaration to that effect. The contracting Government of the exporting country concerned shall thereupon announce that the exportation of wheat or flour from its territories will not be permitted after seven days from the date of the Chairman's declaration and the contracting Government of each importing country shall not permit the importation into its territories of wheat or flour shipped from that exporting country during the current quota-year more than seven days after the date of the Chairman's declaration.



11. Should it be found that, owing to practical difficulties of closely controlling shipments, exports from any country have exceeded its export quota, that country shall not be deemed to have infringed the provisions of paragraph 1 of this Article so long as the excess is not more than 5 per cent of the quota, but the amount of that excess up to 3 per cent of the quota and three times the amount of that excess above 3 per cent of the quota shall be deducted from that country's export quota for the following quota-year.

12. The contracting Governments recognize that international trade in wheat should be distributed on a fair and equitable basis among all countries which export wheat and they agree that the effective operation of the Agreement should not be impaired by abnormal exports from countries that have not acceded to it. Accordingly, the contracting Governments shall co-operate in taking, on the advice of the Council, such practicable measures as may be necessary to attain this end.

#### ARTICLE V (PRICE CONTROL)

1. The Council shall fix and publish prior to the coming into force of Article IV, and thereafter at each regular August meeting, a basic minimum price and a basic maximum price of wheat, c.i.f. United Kingdom ports, and schedules of prices, c.i.f. and/or f.o.b., equivalent thereto for the various wheats sold in world markets. These prices shall take effect on such date as may be determined by the Council and shall remain in force until the effective date of the prices fixed by the Council at its next regular August meeting, but shall be subject to such adjustments as the Council may find necessary to meet substantial changes in freight or exchange rates, or as may be made in accordance with the provisions of paragraph 3 of this Article.

2. The prices fixed under paragraph 1 of this Article shall be such as will in the opinion of the Council (a) return reasonably remunerative prices to producers in exporting countries, (b) be fair to consumers in importing countries, (c) be in reasonable relationship to prices of other commodities, and (d) make appropriate allowance for exchange rates and transportation costs.

3. Should the Council so decide, the basic minimum and maximum prices of wheat and the schedules of prices equivalent thereto shall be adjusted at monthly or other intervals to allow for carrying charges.

4. The Governments of Argentina, Australia, Canada and the United States of America shall not, after the coming into force of paragraph 1 of this Article, sell or permit the sale of wheat for export, or to millers for producing flour for export, at prices below the minimum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

5. The Governments of Argentina, Australia, Canada and the United States of America shall ensure that wheat for export is at all times on sale at f.o.b. prices not in excess of the maximum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

#### ARTICLE VI (RELIEF POOL)

1. The Governments of Argentina, Australia, Canada, the United Kingdom and the United States of America shall establish a pool of wheat which will be available for intergovernmental relief in war-stricken countries and other necessitous areas of the world, where circumstances in the view of those Governments make such relief practicable.



2. The Governments of Canada, the United Kingdom and the United States of America shall give to the pool, as and when required by the Council, 25, 25 and 50 million bushels respectively of wheat, or its equivalent in whole or part in flour, f.o.b. seaboard port in the country of origin.

3. The Governments of Argentina, Australia, Canada and the United States of America shall, as and when required by the Council, give to the pool, in addition to the contributions prescribed in paragraph 2 of this Article, a quantity of wheat or its equivalent in whole or part in flour, f.o.b. seaboard port, to be determined by them in consultation with the Council and on such basis as may be agreed among them.

4. The Council shall be responsible for the administration of the relief pool and shall, wherever possible, arrange for the distribution of relief wheat through such intergovernmental relief body as may be set up and given general responsibility for the distribution of relief. Should the Council decide to make relief wheat or flour available to any necessitous area in which the intergovernmental relief body has not the organization necessary for the distribution of such wheat or flour, the Council shall arrange with the appropriate authorities to distribute such wheat or flour in that area. Any arrangements for the distribution of relief wheat shall be such as to minimize, so far as the provision of sufficient relief permits, the reduction of the effective demand for wheat on sale.

5. The United Kingdom Government may, if so agreed by the Council after consultation with the intergovernmental relief body, contribute transportation of relief wheat or flour in lieu of part or all of its contribution under paragraph 2 of this Article.

6. Any contributing Government shall, if the Council after consultation with the intergovernmental relief body so requests, and upon such terms of replacement as may be agreed with the Council, make, pending the arrival of contributions by other Governments, advances of such wheat or flour as that Government may consider practicable to release for immediate relief.

7. Should the Council consider or be advised by the intergovernmental relief body that the quantity of relief wheat contributed under paragraphs 2, 3 and 5 of this Article appears likely to prove insufficient, the Council shall make recommendations to the contracting Governments regarding additional contributions.

8. The Council shall instruct the Executive Committee (a) to facilitate the transfer of relief wheat and flour from the national wheat-handling organizations of the contributing Governments to the intergovernmental relief body, (b) to maintain effective liaison between the national wheat-handling and shipping organizations of the contributing Governments and international shipping and transport controls, and (c) generally to consult with the intergovernmental relief body regarding all transactions relating to the relief pool.

9. Should the Council receive, at any time after the completion of the relief to which the provisions of paragraphs 1 to 8 of this Article relate, an appeal for relief wheat or flour from any Government to relieve famine in any area within the jurisdiction of that Government, the Council shall investigate the possibilities of meeting such an appeal and report to the contracting Governments its findings together with its recommendations.

## ARTICLE VII (THE COUNCIL)\*

1. This Agreement shall be administered by an International Wheat Council consisting of one or more delegates of each contracting Government.

2. The Council shall have the powers specifically assigned to it under the Agreement and such other powers as are necessary for the effective operation of the Agreement and for the carrying out of its provisions.

3. The Council may, by unanimity of the votes cast, delegate the exercise of any of its powers or functions to such persons or bodies as it thinks fit.

4. The Council shall elect, for such periods and upon such conditions as it may determine, a Chairman and a Vice-Chairman, who need not be delegates of contracting Governments.

5. The Council shall appoint a Secretary and such other employees as it considers necessary and determine their powers, duties, compensation and duration of employment.

6. The seat of the Council shall be in London unless the Council should otherwise determine.

7. The Council shall meet in January and August of each year and at such other times as it may determine. The Chairman shall convene a meeting of the Council if so requested (a) by the Executive Committee, or (b) by the delegates of five contracting Governments, or (c) by the delegates of contracting Governments with a total of not less than.....votes.

8. Notices of all meetings shall be dispatched so as to ensure receipt by delegations of contracting Governments at least fourteen days in advance of the date fixed for the meeting.

9. Any contracting Government may designate the delegation of any other contracting Government to represent it and to vote on its behalf at any meeting of the Council or on any particular question. The terms of any such delegation of authority shall be communicated in writing by the delegating Government to the Chairman of the Council.

10. The Council may take decisions, without holding a meeting, by correspondence between the Chairman and the delegations of the contracting Governments, unless any delegation objects. Any decisions so taken shall be communicated forthwith to all the delegations and shall be recorded in the Minutes of the next meeting of the Council.

11. The Council shall make at the earliest practicable date all possible arrangements with international shipping controls to facilitate the exportation of wheat.

12. The Council shall instruct the Executive Committee (a) to co-operate with bodies engaged in the task of improving human nutrition, (b) to investigate the possibilities of increasing wheat consumption, and (c) to examine and report upon any proposals made to the Council by any contracting Government designed to facilitate the attainment of the objectives of the Agreement.

13. The Council shall ascertain and make public the carry-over of wheat in Argentina, Australia, Canada and the United States of America at the end of each of their respective crop-years.

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\* This Article to be expanded, when further international consideration of the subject is possible, to include provisions for voting.



14. The Council shall, upon the request of any contracting Government of an exporting country, investigate the possibility of meeting the needs of that country for wheat storage facilities to maintain in a good state of preservation such stocks of wheat as may accumulate prior to the coming into force of Article IV. The Council shall report to the contracting Governments its findings together with its recommendations.

15. The Council shall at its regular August meeting make and publish, with such detail as it considers desirable, an estimate of the total volume of international trade in wheat and flour in the current quota-year and shall from time to time review that estimate and publish such revised estimates as it may make.

16. The Council shall publish an annual report on the operation of the Agreement which shall include a summary of relevant statistics and such other material as the Council may determine. The Council may authorize the publication of such other reports as it considers appropriate. Reports shall be published in English and in any other languages that the Council may determine.

17. Pending the establishment of the Executive Committee under Article VIII, the Council shall itself perform the functions assigned by the Agreement to that Committee.

18. The Council may arrange to take over the assets and liabilities of the Wheat Advisory Committee upon the dissolution of that body on such terms as may be agreed with it.

#### ARTICLE VIII (THE EXECUTIVE COMMITTEE)

1. The Council shall, when it considers it desirable to do so, establish an Executive Committee which shall work under its general direction.

2. The Chairman of the Executive Committee shall be appointed by the Council for such period and upon such conditions as it may determine. He need not be a delegate of a contracting Government to the Council or a member of the Committee.

3. The Secretary of the Council shall be the Secretary of the Executive Committee.

4. In addition to the specific duties for which provision is made in this Agreement, the Executive Committee shall be charged with the general duty of keeping under review the working of the Agreement and of reporting to the Council from time to time on the manner in which the provisions of the Agreement are being carried out.

5. The Executive Committee may be convened at any time by its Chairman.

6. The decisions of the Executive Committee shall be taken by a simple majority of the total votes held by its members.

#### ARTICLE IX (REPORTS TO THE COUNCIL)

1. Each contracting Government shall make to the Council such reports as the Council may from time to time request on the action which that Government has taken to carry out the provisions of this Agreement.



2. Each contracting Government shall upon request telegraph each month to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories in the preceding month, and shall supply such other information as the Council may from time to time request for the purposes of the Agreement.

#### ARTICLE X (FINANCE)

1. The contracting Governments shall share proportionately to the votes which they hold in the Council any expenses incurred by the Council in administering this Agreement.

2. The Council shall at its first meeting approve its budget for the period prior to the first day of the month of August after its first regular January meeting and assess the contribution to be paid by each contracting Government for that period.

3. The Council shall at each regular January meeting approve its budget for the following August-July period and assess the contribution to be paid by each contracting Government for that period.

4. The initial contribution of any Government acceding to the Agreement after the first meeting of the Council shall be assessed proportionately to the number of its votes in the Council and to the number of full months between its accession and the beginning of the first August-July period for which it is assessed under the provisions of paragraph 3 of this Article, but the assessments already made upon other Governments shall remain unaltered.

5. The Council shall publish an audited statement of all moneys received and paid out during the period referred to in paragraph 2 of this Article and during each August-July period thereafter.

6. Consideration shall be given by each contracting Government to the possibility of according to the funds of the Council and to the salaries paid by the Council to its employees who are nationals of other countries treatment in respect of taxation and of foreign exchange control no less favourable than that accorded by such Government to the funds of any other Government and to salaries paid by any other Government to any of its accredited representatives who are its nationals.

7. The Council shall determine the disposal, on the termination of the Agreement, of any funds which remain after meeting its obligations.

#### ARTICLE XI (DATE UPON WHICH THE AGREEMENT COMES INTO FORCE)\*

#### ARTICLE XII (DURATION OF THE AGREEMENT)

This Agreement shall remain in force for four years after the last day of the month of July following the date upon which it comes into force. The Council shall inquire of the contracting Governments at least six months before the Agreement is due to expire whether they desire to continue it and shall report to the contracting Governments the results of such inquiry together with its recommendations.

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\* The text of this Article to be determined when further international consideration of the subject is possible.

## ARTICLE XIII (RELATION TO OTHER AGREEMENTS)

1. So long as this Agreement remains in force it shall prevail over any provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the contracting Governments.

2. Should any contracting Government be party to an agreement with a non-contracting Government containing any provision inconsistent with this Agreement, that contracting Government shall take all reasonable steps to procure the necessary amendment of such agreement at the earliest date which it deems practicable.

## ARTICLE XIV (ACCESSIONS)

This Agreement shall at any time be open to accession by the Government of any country on the terms contained therein so far as they are applicable to that Government and on such other terms not inconsistent therewith as may be agreed with the Council. It shall accede as the Government either of an exporting country or of an importing country as may be agreed with the Council, and if it accedes as the Government of an exporting country it shall have such basic export quota as may be agreed with the Council.

## ARTICLE XV (WITHDRAWALS)

1. The contracting Government of any country which considers its national security endangered as a result of hostilities may apply to the Council for the suspension of any of its obligations under Articles II, III, IV and V of this Agreement. If the application is not granted within 30 days after the date thereof, such Government may, within 15 days after the end of that period, withdraw from the Agreement on written notice to the Council.

2. If it is shown to the satisfaction of the Council that the Government of Argentina, of Australia, of Canada or of the United States of America has failed to carry out its obligations under paragraph 1 of Article IV or paragraph 4 of Article V, the contracting Government of any exporting country may within 90 days withdraw from the Agreement on 30 days' written notice to the Council.

3. If the Government of Argentina, of Australia, of Canada or of the United States of America withdraws from the Agreement, the Agreement shall thereupon terminate, unless the Council, by three-fourths of the total votes held in the Council, decides to maintain the Agreement with whatever modifications it may deem necessary.

## ARTICLE XVI (TERRITORIES)

1. The rights and obligations under this Agreement of the Government of Argentina apply to the Customs territory thereof; those of the Government of Australia to Australia and her territories; those of the Government of Canada to the Customs territory thereof; those of the Government of the United Kingdom of Great Britain and Northern Ireland to Great Britain and Northern Ireland; and those of the Government of the United States of America to the Customs territory thereof.

2. In the event of the Government of any other country acceding to the Agreement under Article XIV, the Council shall agree with the said acceding Government as to the territories to which the rights and obligations of the said acceding Government under the Agreement shall apply.



## ARTICLE XVII (DEFINITIONS)

For the purposes of this Agreement:—

1. "Bushel" means sixty pounds avoirdupois.
2. "Carrying charges" means the costs incurred for storage, interest and insurance in holding wheat.
3. "Carry-over" means the aggregate of the stocks in any country, as ascertained by the Council under paragraph 13 of Article VII, of old wheat at the end of the crop-year held (a) in all elevators, warehouses and mills; (b) in transit or at railroad sidings, and (c) on farms, except that, in the case of Canada, "carry-over" means in addition the stocks of wheat of Canadian origin held in bond in the United States of America.
4. "Council" means the International Wheat Council for which provision is made in Article VII.
5. "Crop-year" means, in respect of Argentina and Australia, the period from December 1 to November 30; in respect of Canada, the period from August 1 to July 31; and, in respect of the United States of America, the period July 1 to June 30.
6. "Domestic requirements" means all use of wheat and flour during any crop-year within the territories of each contracting Government for human and animal consumption, for industrial purposes, and for seed, and waste.
7. "Equivalent", with reference to the measurement of flour in the terms of wheat, means a quantity calculated in the ratio of such number of pounds of flour to 100 pounds of wheat as the Council shall determine.
8. "Executive Committee" means the Executive Committee established by the International Wheat Council under Article VIII.
9. "Exporting country" means Argentina, Australia, Canada, the United States of America or any country that may accede as such to the Agreement under Article XIV.
10. "Export quota" means basic export quota, together with any secondary or supplementary export quota allocated under Article IV.
11. "Extraordinary use" means use which the Council is satisfied would not have taken place but for the governmental measures referred to in paragraph 6 of Article III.
12. "Gross exports" means the total quantity of wheat, including flour expressed in terms of its wheat equivalent, shipped from the territories of any Government, except that in the case of Canada "gross exports" means the overseas clearances of Canadian wheat from seaboard ports in Canada and the United States of America, plus imports of wheat from Canada into the United States of America for consumption and for milling in bond, plus flour expressed in terms of its wheat equivalent shipped from Canadian territories.
13. "Gross imports" means the total quantity of wheat, including flour expressed in terms of its wheat equivalent, imported into the territories of any Government.
14. "Importing country" means the United Kingdom or any country that may accede as such to the Agreement under Article XIV.
15. "Net exports" means gross exports minus gross imports.



16. "Net imports" means gross imports minus gross exports.

17. "New crop" means wheat harvested not more than two months prior to the beginning of the current crop-year.

18. "Old wheat" means wheat harvested more than two months prior to the beginning of the current crop-year.

19. "Quota-year" means the period ending July 31 following the date upon which the Agreement comes into force, and thereafter the period from August 1 to July 31.

20. "Seaboard port" means any sea or river port at which a seagoing ship of 6,000 tons gross can load.

21. "Shipped" means transported in any manner.

22. "Territories" means territory, or group of territories, to which the rights and obligations of the Agreement apply in accordance with the provisions of Article XVI.

23. "The beginning of the seeding period for the next harvest" means in respect of Argentina, May 1; in respect of Australia and Canada, April 1; and, in respect of the United States of America, September 1.

24. "Total volume of international trade in wheat and flour" means the aggregate of the net export from each country of the world.

25. "Wheat Advisory Committee" means the Committee established under the Final Act of the Conference of Wheat Exporting and Importing Countries held in London at the Offices of the High Commissioner for Canada, from August 21 to 25, 1933.

26. "Yield" means quantity of production per unit of sown area.

### *Enclosure 2*

#### MINUTES OF THE FINAL SESSION OF THE WASHINGTON WHEAT MEETING

The officials of the five countries participating in the Washington Wheat Meeting record as follows their understanding regarding certain provisions of the Memorandum of Agreement entered into pursuant to that meeting:—

1. The arrangements referred to in paragraph 4 of the Memorandum, relating to the relief pool of wheat and to the control of production, means the following provisions of the Draft Convention attached thereto: paragraph 3 of Article II (Production Control), Article VI (Relief Pool), VII (The Council) except paragraph 6, X (Finance), XVII (Definitions), and, should the Council at any time so decide, Article VIII (The Executive Committee).

2. The arrangements referred to in paragraph 5 of the Memorandum, relating to the control of production, stocks and exports and to the administration thereof, mean the following provisions of the Draft Convention, in addition to Articles VII (Except paragraph 6), VIII, X and XVII referred to above; paragraphs 1 and 2 of Article II (Production Control), Article III (Stocks), Article IV (Export Control) except the provisions of paragraphs 10 and 12 relating to the obligations of importing countries since those provisions are not regarded as essential to the interim measures contemplated in the Memorandum, Article IX (Reports to the Council) and Article XVI (Territories)

3. The words "cessation of hostilities" in the Memorandum mean the earliest date at which none of the five countries is engaged in substantial belligerent operations.

4. The words "arrangements described in the attached Draft Convention" in paragraph 6 of the Memorandum mean the provisions of Article V of the Draft Convention.

5. The words "equivalent f.o.b. prices", which will be calculated for wheats of the other exporting countries under paragraph 6 of the Memorandum, mean the prices of Argentina, Australian and United States wheats which will be ascertained by the unanimous vote of the Council as equivalent to the last price negotiated by the United Kingdom for a bulk purchase of wheat from Canada.

6. The seat of the Council will be in Washington during the period in which the Memorandum of Agreement is in force, unless the Council should otherwise determine.

7. The Minutes of the Washington Wheat Meeting, together with the Reports of its Committees, will be available for the information of the Council during the period in which the Memorandum of Agreement is in force.

8. The English texts of the Memorandum of Agreement and of the present Minutes have been initialled by Anselmo M. Viacava, Edwin McCarthy, Charles F. Wilson, Harold F. Carlill, and Leslie A. Wheeler, officials of Argentina, Australia, Canada, the United Kingdom and the United States respectively, as competent experts in a position to reflect the views of their respective Governments. The Memorandum, the Draft Convention and the present Minutes will be transmitted in English and Spanish by the Government of the United States to the other four Governments for their approval. So soon as the approval of the five Governments has been notified to each of them, the provisions of the Memorandum of Agreement will be deemed to come into effect, and the Memorandum of Agreement, together with the Draft Convention attached thereto and the present Minutes, will be made public.

For Argentina:  
A. M. V.

For Australia:  
E. McC.

For Canada:  
C. F. W.

For the United Kingdom:  
H. F. C.

For the United States:  
L. A. W.

## II

*The Canadian Minister at Washington to the United States Secretary of State*

## CANADIAN LEGATION

WASHINGTON, May 20, 1942.

No. 331

SIR,—I have the honour to acknowledge the receipt of your Note of April 24, 1942, referring to the conclusion of the wheat discussions at Washington, and to signify my Government's approval of the provisions of the Memorandum of Agreement, to which is attached a Draft Convention, and the interpretation of those provisions according to the Minutes of the Final Session of the Washington Wheat Meeting.

My Government will regard the provisions of the Memorandum of Agreement as coming into effect upon notification that the other four governments have signified their approval.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.

## III

*The United States Secretary of State to the Canadian Minister at Washington*

## DEPARTMENT OF STATE

WASHINGTON, June 27, 1942.

SIR,—I have the honor to notify your Government that the Memorandum of Agreement, to which is attached the Draft Convention, and the Minutes of the Final Session of the Washington Wheat Meeting, referred to in my note of April 24, 1942, and your acknowledgment of May 20, 1942, have been approved by the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States and that the provisions of the Memorandum of Agreement are deemed to come into effect as of the date of this notification.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.



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TREATY SERIES, 1942

No. 12

AGREEMENT  
ON THE ESTABLISHMENT OF  
DIRECT DIPLOMATIC RELATIONS

BETWEEN

CANADA

AND

THE UNION OF SOVIET SOCIALIST REPUBLICS

IN FORCE JUNE 12, 1942



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No. 12

AGREEMENT  
ON THE ESTABLISHMENT OF  
DIRECT DIPLOMATIC RELATIONS

BETWEEN

CANADA

AND

THE UNION OF SOVIET SOCIALIST REPUBLICS

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IN FORCE JUNE 12, 1942

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OTTAWA  
EDMOND CLOUTIER  
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1943

## AGREEMENT

### ON THE ESTABLISHMENT OF DIRECT DIPLOMATIC RELATIONS BETWEEN CANADA AND THE UNION OF SOVIET SOCIALIST REPUBLICS <sup>1</sup>

The Government of Canada and the Government of the Union of Soviet Socialist Republics have reached an agreement as follows:—

(1) The two Governments have agreed to establish direct diplomatic relations and to exchange Ministers.

(2) The present agreement comes into force immediately after its signature and is not subject to ratification.

(3) The present agreement is made in two copies, each of them in the Russian<sup>2</sup> and English languages. Both texts have equal force.

VINCENT MASSEY

(SEAL)

*High Commissioner for Canada*

LONDON, 12th June, 1942.

---

<sup>1</sup>Cf. *Canada Treaty Series* 1942, No. 9: Agreement between Canada and the Union of Soviet Socialist Republics providing for the exchange of consuls.

<sup>2</sup>The text in the Russian language bears the signature of His Exc. Ivan Mikhailovich Maisky, Ambassador of the Soviet Union in London.

## С О Г Л А Ш Е Н И Е

ОБ УСТАНОВЛЕНИИ ПРЯМЫХ ДИПЛОМАТИЧЕСКИХ ОТНОШЕНИЙ МЕЖДУ  
КАНАДОЙ И СОЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК.

Правительство Канады и Правительство Союза Советских Социалистических Республик пришли к следующему соглашению:

1. Оба Правительства согласились установить прямые дипломатические отношения и обмениваться посланниками.

2. Настоящее соглашение вступает в силу немедленно по его подписании и ратификации не подлежит.

3. Настоящее соглашение составлено в двух экземплярах, каждый на русском и английском языках. Оба текста имеют одинаковую силу.

И. МАЙСКИЙ

(L.S.)

Чрезвычайный и Полномочный  
Посол Союза Советских Соци-  
алистических Республик в  
Великобритании

Лондон, 12-го июня 1942 года.





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Canada, External Affairs, Sept. 20  
...  
(CANADA)

TREATY SERIES, 1942

No. 13

EXCHANGE OF NOTES

(March 17 and 18, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

Recording an Agreement

PROVIDING FOR THE CONSTRUCTION

OF A

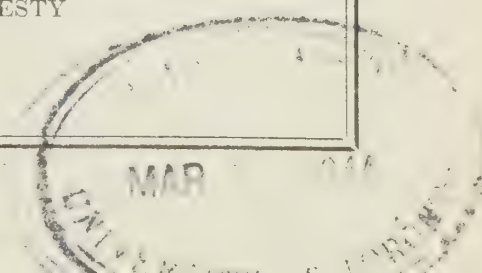
MILITARY HIGHWAY TO ALASKA

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No. 13

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(March 17 and 18, 1942)

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CANADA

AND

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Recording an Agreement

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**EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES  
OF AMERICA RECORDING AN AGREEMENT PROVIDING FOR  
THE CONSTRUCTION OF A MILITARY HIGHWAY TO ALASKA.**

**I**

*The United States Minister to Canada to the Secretary of State for  
External Affairs*

**LEGATION OF THE UNITED STATES OF AMERICA**

No. 626

OTTAWA, March 17, 1942.

SIR:

1. As you are aware, on February 26, 1942, the Permanent Joint Board on Defence approved a recommendation as a result of which the two Sections proposed to their respective Governments:—

“the construction of a highway along the route that follows the general line of airports, Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Boundary—Big Delta, the respective termini connecting with existing roads in Canada and Alaska.”

This recommendation based as it was on military considerations and military considerations only, and having the endorsement of the Service Departments of the two countries, has been approved by both Governments.

2. My Government, being convinced of the urgent necessity for the construction of this highway and appreciating the burden of war expenditure already incurred by Canada, in particular on the construction of the air route to Alaska, is prepared to undertake the building and wartime maintenance of the highway. Subject to the provision by Canada of the facilities set forth in paragraph 3 of this Note, the Government of the United States is prepared to:—

(a) Carry out the necessary surveys for which preliminary arrangements have already been made, and construct a Pioneer Road by the use of United States Engineer troops for surveys and initial construction.

(b) Arrange for the highway's completion under contracts made by the United States Public Roads Administration and awarded with a view to insuring the execution of all contracts in the shortest possible time without regard to whether the contractors are Canadian or American.

(c) Maintain the highway until the termination of the present war and for six months thereafter unless the Government of Canada prefers to assume responsibility at an earlier date for the maintenance of so much of it as lies in Canada.

(d) Agree that at the conclusion of the war that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic.



3. For its part, my Government will ask the Canadian Government to agree:—

(a) To acquire rights of way for the road in Canada (including the settlement of all local claims in this connection), the title to remain in the Crown in the right of Canada or of the Province of British Columbia as appears more convenient;

(b) To waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States;

(c) To waive import duties, sales taxes, licence fees or other similar charges on all equipment and supplies to be used in the construction or maintenance of the road by the United States and on personal effects of the construction personnel;

(d) To remit income tax on the income of persons (including corporations) resident in the United States who are employed on the construction or maintenance of the highway;

(e) To take the necessary steps to facilitate the admission into Canada of such United States citizens as may be employed on the construction or maintenance of the highway, it being understood that the United States will undertake to repatriate at its expense any such persons if the contractors fail to do so;

(f) To permit those in charge of the construction of the road to obtain timber, gravel and rock where such occurs on Crown lands in the neighbourhood of the right of way, providing that the timber required shall be cut in accordance with the directions of the appropriate Department of the Government of the Province in which it is located, or, in the case of Dominion lands, in accordance with directions of the appropriate Department of the Canadian Government.

4. If the Government of Canada agrees to this proposal it is suggested that the practical details involved in its execution be arranged directly between the appropriate governmental agencies subject, when desirable, to confirmation by subsequent exchange of notes.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT

*American Minister.*

## II

*The Secretary of State for External Affairs to the United States Minister  
to Canada*

## DEPARTMENT OF EXTERNAL AFFAIRS

No. 29

OTTAWA, March 18, 1942.

SIR,

I have the honour to acknowledge receipt of your Note of March 17, 1942, No. 626, in which you referred to the recommendation approved by the Permanent Joint Board on Defence, as a result of which the two Sections of the Board proposed to their respective Governments:—

“the construction of a highway along the route that follows the general line of airports, Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Boundary—Big Delta, the respective termini connecting with existing roads in Canada and Alaska.”

2. As announced on March 6, 1942, the Canadian Government has approved this recommendation and has accepted the offer of the United States Government to undertake the building and wartime maintenance of the highway which will connect the airports already constructed by Canada.

3. It is understood that the United States Government will

(a) Carry out the necessary surveys for which preliminary arrangements have already been made, and construct a Pioneer Road by the use of United States Engineer troops for surveys and initial construction.

(b) Arrange for the highway's completion under contracts made by the United States Public Roads Administration and awarded with a view to insuring the execution of all contracts in the shortest possible time without regard to whether the contractors are Canadian or American.

(c) Maintain the highway until the termination of the present war and for six months thereafter unless the Government of Canada prefers to assume responsibility at an earlier date for the maintenance of so much of it as lies in Canada.

(d) Agree that at the conclusion of the war that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic.

4. The Canadian Government agrees

(a) To acquire rights of way for the road in Canada (including the settlement of all local claims in this connection), the title to remain in the Crown in the right of Canada or of the Province of British Columbia as appears more convenient;

(b) To waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States;

(c) To waive import duties, sales taxes, licence fees or other similar charges on all equipment and supplies to be used in the construction or maintenance of the road by the United States and on personal effects of the construction personnel;

(d) To remit income tax on the income of persons (including corporations) resident in the United States who are employed on the construction or maintenance of the highway;

(e) To take the necessary steps to facilitate the admission into Canada of such United States citizens as may be employed on the construction or maintenance of the highway, it being understood that the United States will undertake to repatriate at its expense any such persons if the contractors fail to do so;

(f) To permit those in charge of the construction of the road to obtain timber, gravel and rock where such occurs on Crown lands in the neighbourhood of the right of way, providing that the timber required shall be cut in accordance with the directions of the appropriate Department of the Government of the Province in which it is located, or, in the case of Dominion lands, in accordance with the directions of the appropriate Department of the Canadian Government.

5. The Canadian Government agrees to the suggestion that the practical details of the arrangement be worked out by direct contact between the appropriate governmental agencies subject, when desirable, to confirmation by subsequent exchange of notes.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING  
*Secretary of State for External Affairs.*



Doc.  
an  
Canada - External Affairs, Sept. 1942

(CANADA)

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TREATY SERIES, 1942

No. 14

EXCHANGE OF NOTES

(September 30, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RESPECTING

MILITARY SERVICE OF UNITED STATES  
CITIZENS RESIDING IN CANADA

IN FORCE SEPTEMBER 30, 1942



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No. 14

EXCHANGE OF NOTES

(September 30, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RESPECTING

MILITARY SERVICE OF UNITED STATES  
CITIZENS RESIDING IN CANADA

IN FORCE SEPTEMBER 30, 1942



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- II. Note, dated September 30, 1942, from the Secretary of State of the United States, to the Canadian Minister to the United States..... 5

**EXCHANGE OF NOTES (SEPTEMBER 30, 1942) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA RESPECTING THE  
IMPOSITION BY CANADA OF LIABILITY TO COMPULSORY  
MILITARY SERVICE ON UNITED STATES CITIZENS RESIDING  
IN CANADA.**

I

*The Canadian Minister to the United States  
to the Secretary of State of the United States*

CANADIAN LEGATION

WASHINGTON, September 30, 1942.

No. 638

SIR:

I have the honour to refer to your note of April 8, 1942, in reply to my note No. 222 of April 6 concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States, and stating that the Government of the United States assures the Government of Canada full reciprocity with respect to the regime outlined in your note of March 30 under which Canadian nationals in the United States who have not declared their intention of becoming United States citizens may elect to serve in the naval, military or air forces of Canada in lieu of service in the armed forces of the United States.\* In your note you further state that the Government of the United States agrees to the understandings, limitations and assumptions set forth in numbered paragraphs 4 to 9 inclusive of my note.

2. One of these understandings is that the Government of the United States is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada. A second understanding is that while non-declarant United States citizens in Canada will, prior to their induction into the naval, military or air forces of Canada be granted an opportunity of electing to serve in the armed forces of the United States, this opportunity will not be granted to declarant United States citizens in Canada.

3. In accordance with these understandings the Canadian Government has recently imposed on United States citizens residing in Canada a liability to compulsory military service identical with that imposed on British subjects ordinarily resident in Canada, and the Canadian Government now desires to initiate a procedure satisfactory to the Government of the United States under which United States citizens in Canada who have not declared their intention of applying for naturalization in Canada may elect to serve in the armed forces of the United States, in lieu of service in the armed forces of Canada, at any time prior to enrolment in the Canadian Army.

---

\* For the text of these Notes of April 6 and 8, 1942, see *Canada Treaty Series* 1942, No. 7.

4. The following proposals are made by the Canadian Government:

- (a) Individuals who elect for service with the armed forces of the United States will be physically examined by the Canadian Army. The results of the examination will be forwarded to the proper authorities of the United States. On receipt from these authorities of notification that an individual is acceptable the competent Canadian authority will send the individual to a designated reception point for induction into the armed forces of the United States. If, on arrival at the reception point, the individual is found to be not acceptable to the armed forces of the United States, he shall be liable to be enrolled immediately in the Canadian Army.
- (b) In order that non-declarant United States citizens in Canada may be informed of the conditions of service in the armed forces of the United States, the Canadian Government suggests that the United States authorities give the Canadian authorities copies of a pamphlet setting forth the conditions of service so that the pamphlets may be made available to non-declarant United States citizens who are called up for military service by Canada.
- (c) United States citizens in Canada who elect to serve in the armed forces of the United States and are accepted by one of those forces and who return to Canada for permanent residence within six months after the termination of their service with the United States armed forces will not lose any rights they may have previously acquired under the Immigration and Naturalization Acts of Canada.

5. Acceptance by the United States of these proposals will not be construed by the Canadian Government as imposing any obligation on the United States Government to return to Canada United States citizens who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada.

6. If these proposals are acceptable to the Government of the United States, this note and your reply thereto accepting the proposals shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter. The practical details may then be arranged directly between the appropriate governmental agencies.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.



## II

*The Secretary of State of the United States  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, September 30, 1942.

SIR:

I have the honor to acknowledge the receipt of your note No. 638 of September 30, 1942, proposing an arrangement under which American citizens residing in Canada, who have not declared their intention of applying for naturalization in Canada, and who may become subject to enrolment in the armed forces of Canada will, prior to such enrolment, be given an opportunity of electing to serve in the armed forces of the United States. You also state that acceptance of the proposals will not be construed by your Government as imposing any obligation on the Government of the United States to return to Canada any citizens of the United States who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada. Your proposals made on the understanding that the United States Government is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada, and that the opportunity of electing to serve in the armed forces of the United States will be granted only to American citizens residing in Canada who have not declared their intention of applying for naturalization in Canada.

I am pleased to inform you that the Government of the United States agrees to the Canadian Government imposing a liability to military service on United States citizens residing in Canada, and that the proposed arrangement as outlined in your note under acknowledgment is satisfactory to this Government.

Accept, Sir the renewed assurances of my highest consideration.

*For the Secretary of State:*

A. A. BERLE, JR.



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Canada, External Affairs, Dept.

[ CANADA ]

TREATY SERIES, 1942

No. 15

EXCHANGE OF NOTES

(September 23, October 9 and 12, 1942)

BETWEEN

CANADA AND CHILE

EXTENDING

THE PROVISIONAL APPLICATION

OF THE

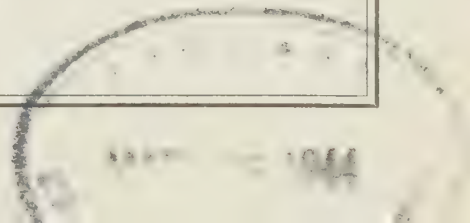
TRADE AGREEMENT OF SEPTEMBER 10, 1941

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TREATY SERIES, 1942

No. 15

EXCHANGE OF NOTES

(September 23, October 9 and 12, 1942)

BETWEEN

CANADA AND CHILE

EXTENDING

THE PROVISIONAL APPLICATION

OF THE

TRADE AGREEMENT OF SEPTEMBER 10, 1941

IN FORCE OCTOBER 15, 1942



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**EXCHANGE OF NOTES (SEPTEMBER 23 AND OCTOBER 9 AND 12,  
1942) BETWEEN CANADA AND CHILE EXTENDING THE PRO-  
VISIONAL APPLICATION OF THE TRADE AGREEMENT OF  
SEPTEMBER 10, 1941\***

**I**

*The Secretary of State for External Affairs of Canada to the Chilean  
Minister to Canada*

**DEPARTMENT OF EXTERNAL AFFAIRS**

No. 4

OTTAWA, September 23, 1942.

SIR,—I have the honour to refer to the Trade Agreement between Canada and Chile signed in Santiago on September 10, 1941.

Article IX of this Agreement reads as follows:—

“1. The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of two years. In case neither Government shall have given to the other Government, at least six months before the expiration of the aforesaid period, notice of intention to terminate this Agreement, it shall be renewed automatically for a further period of one year and for further successive periods of one year each, until such time as the Government of either country shall have given to the other Government, at least six months before the expiration of one of the aforesaid periods, notice of intention to terminate the Agreement.

“2. Pending the definitive coming into force of this Agreement, its provisions shall be applied provisionally by the two Governments for a period of one year as from October 15, 1941. If on the expiration of this period the exchange of ratifications has not been made, the two Governments shall consult one another regarding the extension of the provisional application of this Agreement.”

On April 25, 1942, the Canadian Minister to Chile informed your Government that the Canadian Government was prepared to exchange the instruments of ratification. In reply your Government, in a note of May 13, stated that the National Congress had been requested to approve of the Agreement and that it was expected that this approval would be given during the course of the next Session.

I should be grateful if you would let me know whether your Government will be ready to exchange ratifications before October 15, 1942. If your Government will be unable to exchange ratifications before October 15, 1942, I suggest that arrangements should be made for the extension of the provisional application of the Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,

*For the Secretary of State for External Affairs.*

---

\*For the text of the Trade Agreement of September 10, 1941, see *Canada Treaty Series 1941*, No. 16.

## II

*The Chilean Minister to Canada to the Secretary of State for External  
Affairs of Canada*

## CHILEAN LEGATION

No. 32

OTTAWA, October 9, 1942.

SIR,—I have the honour to refer to your Note No. 4 of September 23, in relation to the Trade Agreement between Chile and Canada and the indicated references to Art. IX of said Agreement.

After having consulted with my Government, they communicate me that the National Congress did not have the opportunity to ratify the Agreement in its ordinary sessions, which have just finished, but that it shall be ratified in the next extraordinary session. Meanwhile the Government of Chile would agree to extend for one year the provisional application of the Agreement, which coincides with the kind suggestion of your Government.

The moment I receive the necessary documentation I shall have the honour to get in touch with you.

Accept, Sir, the renewed assurances of my highest consideration.

DR. EDO GROVE,  
*Minister for Chile.*

## III

*The Secretary of State for External Affairs of Canada to the Chilean Minister  
to Canada*

## DEPARTMENT OF EXTERNAL AFFAIRS

No. 7

OTTAWA, October 12, 1942.

SIR,—I have the honour to refer to your Note No. 32 of October 9 concerning the extension of the provisional application of the Trade Agreement between Canada and Chile. In your note you state that the Government of Chile would agree to extend the provisional application of the Agreement for a period of one year as from October 15, 1942.

The Canadian Government also agrees to an extension of this period.

I understand that my Note No. 4 of September 23, your Note No. 32 of October 9, and this reply constitute an agreement between our two Governments on the extension of the provisional application of the Trade Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State for External Affairs.*

Canada - External Affairs, Dept. of  
CANADA

TREATY SERIES, 1942

No. 16

EXCHANGE OF NOTES

(November 2 and 4, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

Recording an Agreement

RESPECTING

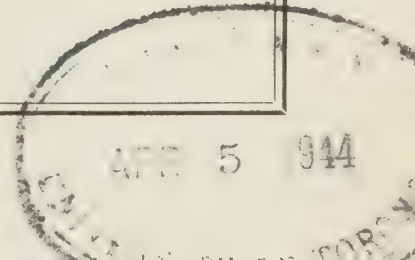
WORKMEN'S COMPENSATION  
AND UNEMPLOYMENT INSURANCE

IN FORCE NOVEMBER 4, 1942



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TREATY SERIES, 1942

No. 16

EXCHANGE OF NOTES

(November 2 and 4, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

Recording an Agreement

RESPECTING

WORKMEN'S COMPENSATION  
AND UNEMPLOYMENT INSURANCE

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IN FORCE NOVEMBER 4, 1942



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**EXCHANGE OF NOTES (NOVEMBER 2 AND 4, 1942) BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA RECORDING  
AN AGREEMENT RESPECTING WORKMEN'S COMPENSATION  
AND UNEMPLOYMENT INSURANCE IN CONNECTION WITH THE  
CONSTRUCTION OF THE MILITARY HIGHWAY TO ALASKA  
AND OTHER UNITED STATES PROJECTS IN CANADA**

**I**

*The United States Minister to Canada  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 785

OTTAWA, November 2, 1942.

SIR:

I have the honor to refer to the discussions which took place in Ottawa June 3 and 4, 1942, between representatives of my Government and representatives of the Canadian Government regarding workmen's compensation and unemployment insurance in connection with the construction of the military highway to Alaska and other American projects in Canada.

It is the understanding of my Government that, as a result of these discussions, it has been agreed:

- A-(1) that American contractors engaged upon the construction of the military highway to Alaska as well as upon or in connection with all other current and future projects of the United States in Canada undertaken pursuant to agreement between the two Governments, shall normally employ only employees whose original contract of employment is made outside Canada and who have not been ordinarily resident in Canada in the three months prior to such original contract. These employees are hereinafter designated as American employees;
- (2) that it is, however, recognized that in some instances employees ordinarily resident in Canada have already been employed by American contractors engaged on projects to which this note applies and that in some special cases it may be necessary for American contractors to be permitted to engage employees ordinarily resident in Canada; but that in such cases it is agreed that the employees will be secured through the Canadian Employment Service;
- (3) that American contractors engaged on projects to which this note applies shall not in respect of their American employees be subject to Canadian laws or regulations, whether federal or provincial, governing wage rates, hours of labor and conditions of work;
- (4) that American contractors engaged upon projects to which this note applies shall not be subject in respect of their American employees to Canadian workmen's compensation laws and regulations, whether federal or provincial, but shall be subject in respect of such American employees to the provisions of the Longshoremen's and Harbour Workers' Compensation Act of the United States as amended by Public Law No. 208, 77th Congress;

- (5) that, with the exception provided in the succeeding paragraph of this note, Canadian contractors engaged on such projects shall, in respect of their Canadian employees, be subject to the applicable Canadian workmen's compensation laws;
  - (6) that the employees whether American or Canadian of contractors, whether American or Canadian, engaged by the United States on such projects in the Northwest Territories and the Yukon, shall be covered by the Longshoremen's and Harbour Workers' Compensation Act of the United States, as amended by Public Law No. 208, 77th Congress, and that pursuant to United States public law No. 208 representatives of the United States Employees' Compensation Commission will be available in those areas to hear and determine claims of workmen, both American and Canadian and that no Canadian provincial or federal workmen's compensation laws shall apply to any such employees in the Northwest Territories and the Yukon; and that the applicability to such projects of the Longshoremen's and Harbor Workers' Compensation Act of the United States, as amended by Public Law No. 208, 77th Congress, will be implemented either by appropriate American administrative ruling or by legislation;
  - (7) that, except as otherwise provided in paragraphs A-(4) and A-(5) of this note, Canadians employed by American contractors and Americans employed by Canadian contractors on such projects will in respect of workmen's compensation be made the subject of agreement with the provincial governments concerned, and, if dominion authority is necessary to give effect to such agreement appropriate orders in council will be issued by the federal government at the request of the province concerned;
  - (8) that, in case of appeal by a Canadian employee from a ruling of the United States Employees' Compensation Commission, the Canadian Government shall have the right in its discretion to have qualified counsel appear in behalf of such Canadian employee;
  - (9) that civil employees of the United States Government on such projects, whether American or Canadian, will be subject to the Federal Employees' Compensation Act of the United States, and therefore no Canadian federal or provincial workmen's compensation law will be applied to them;
- B-(1) that the Canadian Unemployment Insurance Act will not be applicable to American employees of contractors in Canada on such projects, whether such contractors are American or Canadian;
- (2) that the Canadian Unemployment Insurance Act will be applicable to Canadian employees of contractors in Canada, whether such contractors are American or Canadian, and deductions for such insurance will be forwarded together with the contractors' contributions to the proper office of the Unemployment Insurance Commission of Canada;
  - (3) that the Canadian Unemployment Insurance Act will not apply to civil employees of the United States Government on such projects in Canada whether American or Canadian;
- C- that the operation of American insurance companies in Canada under the United States War Department Insurance Rating Plan or similar plans of the other United States governmental agencies, in relation to the projects to which this note applies, will be exempted in respect of such operations from Canadian taxation on premium and income; they shall nevertheless be registered in Canada and approved by the Canadian Superintendent of Insurance.



I shall appreciate receiving your confirmation of the correctness of my understanding as outlined above of the agreement between our Governments on this subject.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.

## II

*The Secretary of State for External Affairs of Canada  
to the United States Minister to Canada*

### DEPARTMENT OF EXTERNAL AFFAIRS

No. 163.

OTTAWA, November 4, 1942.

SIR,

I have the honour to acknowledge the receipt of your Note No. 785 of November the 2nd, in which you referred to the discussions which took place in Ottawa June 3 and 4, 1942, between representatives of the United States Government and representatives of the Canadian Government regarding workmen's compensation and unemployment insurance in connection with the construction of the military highway to Alaska and other United States projects in Canada.

It is also the understanding of the Canadian Government that, as a result of these discussions, it has been agreed:

- A-(1) that United States contractors engaged upon the construction of the military highway to Alaska as well as upon or in connection with all other current and future projects of the United States in Canada undertaken pursuant to agreement between the two Governments, shall normally employ only employees whose original contract of employment is made outside Canada and who have not been ordinarily resident in Canada in the three months prior to such original contract. These employees are hereinafter designated as United States employees;
- (2) that is is, however, recognized that in some instances employees ordinarily resident in Canada have already been employed by United States contractors engaged on projects to which this note applies and that in some special cases it may be necessary for United States contractors to be permitted to engage employees ordinarily resident in Canada; but that in such cases it is agreed that the employees will be secured through the Canadian Employment Service;
- (3) that United States contractors engaged on projects to which this note applies shall not in respect of their United States employees be subject to Canadian laws or regulations, whether federal or provincial, governing wage rates, hours of labour and conditions of work;
- (4) that United States contractors engaged upon projects to which this note applies shall not be subject in respect of their United States employees to Canadian workmen's compensation laws and regulations, whether federal or provincial, but shall be subject in respect of such United States employees to the provision of the Longshoremen's and Harbour Workers' Compensation Act of the United States as amended by Public Law No. 208, 77th Congress;
- (5) that, with the exception provided in paragraph A-(6) of this note, Canadian contractors engaged on such projects shall, in respect of their Canadian employees, be subject to the applicable Canadian workmen's compensation laws;



- (6) that the employees whether United States or Canadian of contractors, whether United States or Canadian, engaged by the United States on such projects in the Northwest Territories and the Yukon, shall be covered by the Longshoremen's and Harbor Workers' Compensation Act of the United States, as amended by Public Law No. 208, 77th Congress, and that pursuant to United States public law No. 208 representatives of the United States Employees' Compensation Commission will be available in those areas to hear and determine claims of workmen, both United States and Canadian, and that no Canadian provincial or federal workmen's compensation laws shall apply to any such employees in the Northwest Territories and the Yukon; and that the applicability to such projects of the Longshoremen's and Harbor Workers' Compensation Act of the United States, as amended by Public Law No. 208, 77th Congress, will be implemented either by appropriate United States administrative ruling or by legislation;
  - (7) that, except as otherwise provided in paragraphs A-(4) and A-(5) of this note, Canadians employed by United States contractors and United States employees employed by Canadian contractors on such projects will in respect of workmen's compensation be made the subject of agreement with the provincial governments concerned, and, if federal authority is necessary to give effect to such agreement, appropriate orders in council will be issued by the federal government at the request of the province concerned;
  - (8) that, in case of appeal by a Canadian employee from a ruling of the United States Employees' Compensation Commission, the Canadian Government shall have the right in its discretion to have qualified counsel appear in behalf of such Canadian employee;
  - (9) that civil employees of the United States Government on such projects, whether United States or Canadian, will be subject to the Federal Employees' Compensation Act of the United States, and therefore no Canadian federal or provincial workmen's compensation law will be applied to them;
- B-(1) that the Canadian Unemployment Insurance Act will not be applicable to United States employees of contractors in Canada on such projects, whether such contractors are United States or Canadian;
- (2) that the Canadian Unemployment Insurance Act will be applicable to Canadian employees of contractors in Canada, whether such contractors are United States or Canadian, and deductions for such insurance will be forwarded together with the contractors' contributions to the proper office of the Unemployment Insurance Commission of Canada;
  - (3) that the Canadian Unemployment Insurance Act will not apply to civil employees of the United States Government on such projects in Canada whether United States or Canadian;
- C- that the operation of United States insurance companies in Canada under the United States War Department Insurance Rating Plan or similar plans of the other United States governmental agencies, in relation to the projects to which this note applies, will be exempted in respect of such operations from Canadian taxation on premium and income; they shall nevertheless be registered in Canada and approved by the Canadian Superintendent of Insurance.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING,  
*Secretary of State for External Affairs.*

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Canada: External Affairs, 1944

(CANADA)

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TREATY SERIES, 1942

No. 17

EXCHANGE OF NOTES

(November 30, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

Constituting an Agreement

RESPECTING

POST-WAR ECONOMIC SETTLEMENTS

IN FORCE NOVEMBER 30, 1942



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**EXCHANGE OF NOTES (NOVEMBER 30, 1942) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA CONSTITUTING AN  
AGREEMENT RESPECTING POST-WAR ECONOMIC SETTLE-  
MENTS**

**I**

*The United States Secretary of State  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, November 30, 1942.

SIR:

I have the honor to set forth below my understanding of the conclusions reached in conversations which have taken place from time to time during the past year between representatives of the Government of the United States and the Government of Canada with regard to post-war economic settlements.

Our two Governments are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a joint and enduring world peace securing order under law to themselves and all nations. They have agreed to provide mutual aid both in defence and in economic matters through the Ogdensburg and Hyde Park Agreements and subsequent arrangements.<sup>1</sup> They are in agreement that post-war settlements must be such as to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations.

To that end the Governments of the United States of America and of Canada are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.<sup>2</sup>

Our Governments have in large measure similar interests in post-war international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other United Nations with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded Governments. In the conversations to be undertaken between the Governments of the United States of America and of Canada they will seek to furnish to the world concrete evidence of the ways in which two neighbouring countries that have a long experience of friendly relations and a high degree of economic interdependence,

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<sup>1</sup> For the text of the Ogdensburg Declaration of August 18, 1940, see *Canada Treaty Series* 1940, No. 14; for the Hyde Park Declaration of April 20, 1941, see *Canada Treaty Series* 1941, No. 14.

<sup>2</sup> For this Declaration, known as Atlantic Charter, see *Canada Treaty Series* 1942, No. 1. 85388



and that share the conviction that such reciprocally beneficial relations must form part of a general system, may promote by agreed action their mutual interests to the benefit of themselves and other countries.

If the Government of Canada concurs in the foregoing statement of conclusions, I would suggest that the present note and your reply to that effect should be regarded as placing on record the understanding of our two Governments in this matter.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

## II

*The Canadian Minister to the United States  
to the United States Secretary of State*

CANADIAN LEGATION

No. 760.

WASHINGTON, November 30, 1942.

SIR:

I have the honour to refer to your note of November 30th, 1942, setting forth your understanding of the conclusions reached in conversations between representatives of the Government of Canada and the Government of the United States with regard to post-war economic settlements. That understanding is as follows:

Our two Governments are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14th, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

Our Governments have in large measure similar interests in post-war international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other United Nations with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded Governments. In the conversations to be undertaken between the Governments of Canada and of the United States of America they will seek to furnish to the world concrete evidence of the ways in which two neighbouring countries that have a long experience of friendly relations and a high degree of economic interdependence, and that share the conviction that such reciprocally beneficial relations must form part of a general system, may promote by agreed action their mutual interests to the benefit of themselves and other countries.

I am instructed to inform you that the Government of Canada concur in the foregoing statement of conclusions and agree to your suggestion that your note of November 30th, 1942, and this reply should be regarded as placing on record the understanding of our two Governments in this matter.

Accept, Sir, the renewed assurance of my highest consideration.

LEIGHTON McCARTHY.

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TREATY SERIES, 1942

No. 18

EXCHANGE OF NOTES

(October 5 and 9, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

EXTENDING TO OCTOBER 1, 1943

THE AGREEMENT FOR THE TEMPORARY  
RAISING OF THE LEVEL OF LAKE  
ST. FRANCIS OF NOVEMBER 10  
1941

IN FORCE OCTOBER 1, 1942



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No. 18

EXCHANGE OF NOTES

(October 5 and 9, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

EXTENDING TO OCTOBER 1, 1943

THE AGREEMENT FOR THE TEMPORARY  
RAISING OF THE LEVEL OF LAKE  
ST. FRANCIS OF NOVEMBER 10  
1941

IN FORCE OCTOBER 1, 1942



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AND THE UNITED STATES OF AMERICA EXTENDING TO  
OCTOBER 1, 1943, THE AGREEMENT OF NOVEMBER 10, 1941,  
FOR THE TEMPORARY RAISING OF THE LEVEL OF LAKE  
ST. FRANCIS DURING LOW WATER PERIODS \***

**I**

*The Canadian Minister to the United States  
to the United States Secretary of State*

CANADIAN LEGATION

No. 653

WASHINGTON, October 5, 1942.

SIR,

I have the honour, on the instructions of my Government, to refer to the exchange of Notes of November 10, 1941, whereby the Government of the United States of America agreed to a temporary raising of the levels of Lake St. Francis during low water periods for the reasons and subject to the conditions and limitations set forth in the Notes.

The circumstances which led the Government of the United States to agree to the temporary raising of the levels of Lake St. Francis have continued and, in view of the importance to both Canada and the United States of America of the conservation of the power supply in this area, the Canadian Government proposes that the arrangements set forth in the exchange of Notes should be continued until October 1, 1943. The arrangements as continued would, of course, be subject to all of the conditions and limitations as contained in the exchange of Notes of November 10, 1941.

Accept, Sir, the renewed assurance of my highest consideration.

LEIGHTON McCARTHY.

**II**

*The Secretary of the United States  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, October 9, 1942.

SIR,

I have the honor to acknowledge the receipt of your note of October 5, 1942, concerning the arrangements effected through an exchange of notes on November 10, 1941, with respect to the temporary raising of the levels of Lake St. Francis during low water periods and to inform you that this Government is agreeable to your Government's proposal that these arrangements should be continued until October 1, 1943, subject, of course, to all of the conditions and limitations contained in the notes exchanged on November 10, 1941.

Accept, Sir, the renewed assurances of my highest consideration.

*For the Secretary of State:*

A. A. BERLE, Jr.

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\* For the text of the Exchange of Notes of November 10, 1941, see *Canada Treaty Series 1941*, No. 19.





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TREATY SERIES, 1942

No. 19

EXCHANGE OF NOTES

(February 6, 7, 9 and 27, 1942)

BETWEEN

CANADA AND NEWFOUNDLAND

Constituting an Agreement

FOR A

COMMERCIAL AIR SERVICE TO  
NEWFOUNDLAND BY TRANS-CANADA  
AIR LINES

IN FORCE FEBRUARY 27, 1942

ANNEX

LICENCE GRANTED ON APRIL 30, 1942  
BY NEWFOUNDLAND TO TRANS-CANADA AIR LINES  
FOR THE TRANSPORTATION OF GOODS  
MAIL AND PASSENGERS

Effective as from April 1, 1942



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TREATY SERIES, 1942

No. 19

EXCHANGE OF NOTES

(February 6, 7, 9 and 27, 1942)

BETWEEN

CANADA AND NEWFOUNDLAND

Constituting an Agreement

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COMMERCIAL AIR SERVICE TO  
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CANADA AND NEWFOUNDLAND CONSTITUTING AN AGREE-  
MENT FOR A COMMERCIAL AIR SERVICE TO NEWFOUNDLAND  
BY TRANS-CANADA AIR LINES.**

**I**

*The High Commissioner for Canada in Newfoundland to the Acting Com-  
missioner for Public Utilities of Newfoundland*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

No. 9

ST. JOHN'S, NEWFOUNDLAND, February 6, 1942.

SIR,

Referring to the conferences which we have had with you and the Honourable Mr. Wild during the past two days respecting the commercial air service to Newfoundland by Trans-Canada Air Lines, I have the honour to put before the Commission of Government for their approval the following proposal:

The Government of Newfoundland will issue a permit to Trans-Canada Air Lines to operate a scheduled air mail passenger and express service over its territory, between airports in Canada and Gander and Torbay, and any other places in Newfoundland at which airports may hereafter be constructed by the Government of Canada with the approval of the Government of Newfoundland, and to which the Government of Newfoundland may consent to such service being extended, on the following conditions:—

1. The permit shall be from April 1st, 1942, renewable from year to year thereafter.

2. Six months' notice of cancellation may be given by either the Government of Newfoundland or Trans-Canada Air Lines.

3. The granting of this permit will not affect the Inter-Government agreement covering the operation of the Trans-Atlantic Air Service.

4. The Newfoundland Government undertake not to grant a permit for commercial flying between Newfoundland and the North American Continent which may compete with the traffic of Trans-Canada Air Lines under this permit without prior consultation with the Government of Canada.

5. Trans-Canada Air Lines shall provide a service comparable to that given on Trans-Canada Air Lines services in Canada.

6. The initial frequency shall be one round trip daily six days a week weather permitting, but this frequency of schedule may be increased without further permit.

7. The rates and regulations for the carriage of passengers and express shall be comparable to those prevailing from time to time on Trans-Canada Air Lines in Canada.

8. The conditions governing the carriage of mail by air on the service shall be agreed on by the Postal authorities of Canada and Newfoundland from time to time.



9. Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada, and the Air Defence Regulations and Customs and Immigration Regulations prevailing from time to time in Newfoundland.

10. The Government of Newfoundland shall exempt from Customs duties and taxes all aircraft, engines, parts and accessories, radio, motor tank trucks, materials for original construction and equipment of hangars and buildings at the aerodromes, and all other equipment necessary for the establishment and operation of the Service which may be imported by Trans-Canada Air Lines or by the Government of Canada. Provided that this exemption from duties shall not apply to vehicles or equipment of any class used on public high-roads other than motor tank trucks, nor to other articles or materials not specified above, e.g., office supplies and equipment, consumable stores, wearing apparel of all kinds, foodstuffs imported by or for the Company or to be used in any hostel or by its employees or passengers.

11. The Government of Newfoundland shall permit the entry, free of duty and taxes, of special aviation fuel and petroleum products necessary for the operation of the aircraft on the service.

I have the honour to be, Sir,

Your obedient servant,

C. J. BURCHELL,  
*High Commissioner for Canada.*

## II

*The Acting Commissioner for Public Utilities of Newfoundland to the High Commissioner for Canada in Newfoundland*

### DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, NEWFOUNDLAND, 7th February, 1942.

SIR,

I have the honour to inform you that your letter to me of the 6th instant, No. 9, was considered in Commission by the Government this morning and I am instructed to say that, subject to the approval of the Right Honourable Secretary of State for Dominion Affairs and subject to the slight modification mentioned below, the Government accepts the offer therein contained.

The modification suggested, and to which I understand you agreed orally on the telephone, is to para. 9, the words "defence regulations" being eliminated so that it will then read "Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada, the Air, Customs and Immigration Regulations prevailing from time to time in Newfoundland".

The Secretary of State's approval is being sought by cable and I will communicate with you as soon as I hear from him.

I am to add that the Government appreciates very much the spirit of friendly co-operation displayed throughout these negotiations and feel sure that the agreement now consummated will add another link in the happy relations between our two countries.

I have the honour to be, Sir,

Your obedient servant,

L. E. EMERSON,  
*Commissioner for Public Utilities (Acting).*

## III

*The High Commissioner for Canada in Newfoundland to the Acting Commissioner for Public Utilities of Newfoundland*

## OFFICE OF THE HIGH COMMISSIONER FOR CANADA

No. 11

ST. JOHN'S, NEWFOUNDLAND, February 9, 1942.

Dear Mr. EMERSON:

I have your letter of February 7th, your file AG-54. The modification to my proposal which you suggest in your letter is entirely satisfactory and makes the proposal read as was intended, but your wording is much better than mine.

I note this afternoon that in the despatch which I sent to Canada, I inserted the word "and" after the word "Canada" so that the modification to which you referred in your letter reads in the final copy which I have sent to Canada as follows:

"Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada and the Air, Customs and Immigration Regulations prevailing from time to time in Newfoundland".

May I suggest that you make the same change in your copy.

I am very pleased that our conferences resulted in so satisfactory an arrangement. I think that perhaps February 7th may be looked upon as a red letter day because, as a result of our conferences, Newfoundland has been brought closer to the main land of America.

Will you please also allow me to thank you personally for the courtesy which you extended to the visitors from Canada during their short stay here. They were all especially appreciative of your kindness in asking them to your own home on Thursday evening and for the expedition with which you dealt with the matter so as to enable them to get back to Canada on Saturday evening.

Yours faithfully,

C. J. BURCHELL,  
*High Commissioner for Canada.*

## IV

*The Commissioner for Public Utilities of Newfoundland to the High Commissioner for Canada in Newfoundland*

## DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, NEWFOUNDLAND, 27th February, 1942.

Dear Mr. BURCHELL,

With reference to the third paragraph of the letter written to you by Mr. Emerson as Acting Commissioner for Public Utilities dated 7th February, 1942, in which Mr. Emerson informed you that the Secretary of State for Dominion Affairs had been asked to approve the Agreement reached between your Government and the Government of Newfoundland for a commercial air service to Newfoundland by Trans-Canada Air Lines, I write to inform you that an intimation of the Secretary of State's approval has now been received by telegram.

Yours faithfully,

W. W. WOODS,  
*Commissioner for Public Utilities.*



**ANNEX**

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, NEWFOUNDLAND

LICENCE FOR THE OPERATION OF A COMMERCIAL AIR SERVICE  
FOR THE TRANSPORTATION OF GOODS, MAIL AND PASSENGERS  
TO TRANS-CANADA AIR LINES

---

This licence is issued under authority of His Excellency the Governor of Newfoundland in Commission conferred upon the Commission for Public Utilities by Minute of Commission dated the 30th day of April, 1942.

Trans-Canada Air Lines is hereby authorized to operate a commercial air service for the transportation of goods, mail and passengers between airports in Newfoundland situated at Gander and Torbay and airports in Canada.

This licence is issued to give effect to an agreement made with the Government of Newfoundland contained in an exchange of letters as follows:—

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 6th February, 1942.

Letter from the Acting Commissioner for Public Utilities to the High Commissioner for Canada dated 7th February, 1942.

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 9th February, 1942.

Letter from the Commissioner for Public Utilities to the High Commissioner for Canada dated 27th February, 1942.

and the authority to operate an air service hereby conferred is subject to the provisions of the said agreement as in the said letters set out.

This licence shall have effect as from the 1st day of April, 1942, and subject to the provisions of the said agreement shall continue in effect until the 31st day of March, 1943.

This licence may be required to be replaced or supplemented by any permit or licence necessary for the operation of the air service under the provisions of any of the laws of Newfoundland.

W. W. WOODS,  
*Commissioner for Public Works.*

30th APRIL, 1942.



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(CANADA)

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TREATY SERIES, 1942

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No. 20

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EXCHANGE OF NOTES

(July 21, October 29 and November 9, 1942)

BETWEEN

CANADA

AND THE

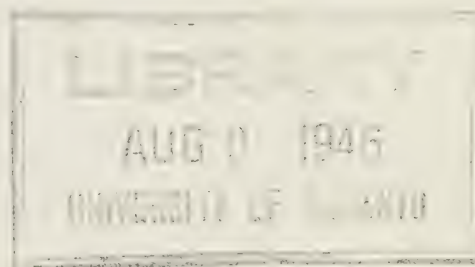
UNITED STATES OF AMERICA

RESPECTING

CUSTOMS PRIVILEGES FOR GOVERNMENT  
EMPLOYEES

---

IN FORCE NOVEMBER 9, 1942



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TREATY SERIES, 1942

No. 20

EXCHANGE OF NOTES

(July 21, October 29 and November 9, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RESPECTING

CUSTOMS PRIVILEGES FOR GOVERNMENT  
EMPLOYEES

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IN FORCE NOVEMBER 9, 1942



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1942) BETWEEN CANADA AND THE UNITED STATES  
OF AMERICA RESPECTING CUSTOMS PRIVILEGES  
FOR GOVERNMENT EMPLOYEES**

**I**

*The Secretary of State for External Affairs of Canada  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 113

OTTAWA, July 21, 1942.

SIR,

I have the honour to refer to the suggestions made by the Legation some years ago, and renewed in the Legation's Memorandum of December 4, 1941, regarding the granting of the privilege of free import after first arrival to several categories of United States officials in Canada who do not at present receive it.

After careful consideration, the Canadian Government has decided that it would be willing to grant this privilege to Consuls and Vice Consuls of career but not to any other United States officials in Canada who do not at present receive it. The Canadian Government's proposal is, of course, conditional on reciprocity. In view of the fact that Canada does not have any Consuls or Vice Consuls in the United States, and is not likely to have a large number of them for many years, it is desired that the privilege of free import after first arrival be given to Canadian Trade Commissioners and Assistant Trade Commissioners in the United States, as well as to Canadian Consuls and Vice Consuls of career, if and when any should be appointed.

The Canadian Government has also had under consideration another aspect of the Customs Regulations, namely, the right of free entry on first arrival for United States Government employees who are not expressly given that privilege by the Regulations under Tariff Item 706 e.g. clerks of the United States Legation and of Consulates, officers, and employees of the United States Customs offices, etc. In practice such persons are given free entry on first arrival by entering them as "Settlers". I understand that in the United States a similar procedure is used to grant free entry on first arrival to non-diplomatic employees of the Canadian Government.

We propose that the privilege of free entry on first arrival should be expressly extended to all employees (of United States nationality) of the United States Government sent to posts in Canada and to all employees (of Canadian nationality) of the Canadian Government sent to posts in the United States. This free entry on first arrival should cover private automobiles, but not spirituous liquors.

I should be glad to learn whether the proposals set forth above are acceptable to the United States Government. If they are, I should like to know whether your Government desires to have a formal exchange of notes suitable for publication, or whether this Note and your reply will be sufficient.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State  
for External Affairs.*

## II

*The United States Minister to Canada  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, October 29, 1942.

No. 783

Sir,

I have the honor to refer to your note No. 113 of July 21, 1942, regarding the extension of the free importation privilege to American consuls and vice consuls of career on a basis of reciprocity, which would include on the part of Canadians in the United States, trade commissioners and assistant trade commissioners, since the Canadian Government does not now have consuls or vice consuls in the United States.

It has been noted that the Canadian Government is also willing, on a basis of reciprocity, to affirm its previous practice of granting free entry on first arrival to United States Government employees, other than diplomatic and consular officers, which would include clerks of the United States Legation and Consulates and officers and employees of the United States Customs offices. It has also been noted that the Canadian Government is unwilling to have free entry on first arrival for these employees include spirituous liquors.

I have now been instructed to inform you that my Government is prepared to accord, reciprocally, to Canadian consuls and vice consuls, should such officers be assigned to the United States, and to Canadian trade commissioners and assistant trade commissioners who are Canadian nationals and not engaged in any private occupation for gain, the privilege of importing articles, the importation of which is not prohibited, for their personal use free of duty upon their first arrival, upon their return from leave of absence spent abroad and during the time they are stationed in the United States. Furthermore, my Government is prepared to admit free of duty, on a reciprocal basis, all articles, except spirituous liquors and articles the importation of which is prohibited, imported on first arrival for their personal use by Government employees of Canada other than diplomatic and consular officers, trade commissioners and assistant trade commissioners who are Canadian nationals and not engaged in any private occupation for gain.

I shall appreciate receiving confirmation that the Canadian Government is prepared, reciprocally, to grant the same privileges to like American officers and employees, and, if this be the case, I suggest that this note and your reply thereto be considered as concluding the agreement on this subject between our two Governments, which shall remain in effect until terminated by either Government.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.



III

*The Secretary of State for External Affairs of Canada  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, November 9, 1942.

No. 155

Sir,

I have the honour to refer to your note No. 783 of October 29, 1942, regarding importation privileges for government officials and employees.

The Canadian Government agrees with the understandings set forth in your note which, with this note, shall be considered as concluding an agreement between our two Governments, which shall remain in effect until terminated by either Government.

Accept, Sir, the renewed assurances of my highest consideration.

LAURENT BEAUDRY,  
*For the Secretary of State  
for External Affairs.*









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Canada: External Affairs, Ref. 1,

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TREATY SERIES, 1942

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No. 21

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EXCHANGE OF NOTES

(November 28, December 7, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

REGARDING THE CONSTRUCTION  
OF THE HAINES POINT-CHAMPAGNE HIGHWAY

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IN FORCE DECEMBER 7, 1942



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TREATY SERIES, 1942

No. 21

EXCHANGE OF NOTES

(November 28, December 7, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

REGARDING THE CONSTRUCTION  
OF THE HAINES POINT-CHAMPAGNE HIGHWAY

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IN FORCE DECEMBER 7, 1942



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**EXCHANGE OF NOTES (NOVEMBER 28 AND DECEMBER 7, 1943)  
BETWEEN CANADA AND THE UNITED STATES OF AMERICA  
RECORDING AN AGREEMENT REGARDING THE CONSTRUCTION  
OF THE HAINES POINT-CHAMPAGNE HIGHWAY**

**I**

*The United States Minister to Canada  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, November 28, 1942.

No. 798

Sir:

I have the honor to refer to my conversation with Mr. Keenleyside of November 11, 1942, in which, on behalf of the Government of the United States of America, I requested the approval of the Canadian Government for the construction by appropriate American agencies of the Canadian section of a road from Haines Point, Alaska, to Champagne, Yukon Territory, where it would join the Alaska (Alcan) Highway which is now being constructed according to agreement between our two Governments.

As I pointed out, the construction of this cut-off road would give the United States Army additional facilities for distributing supplies in Yukon and Alaska by truck, and would materially supplement the quantity of freight that can now be moved into the Whitehorse area over the narrow gauge White Pass and Yukon Railway.

The Canadian Government was good enough to inform me orally on November 19, 1942, that it authorized the construction of that part of the Haines-Champagne road which lies in Canada and I have been directed to express the appreciation of the United States Government for this new mark of Canadian cooperation.

My Government has now instructed me to propose to the Canadian Government that the Haines-Champagne cut-off road shall henceforth be considered an integral part of the Alcan Highway, subject in all applicable respects to the terms of the agreement reached in our exchange of notes of March 17-18, 1942.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.



## II

*The Secretary of State for External Affairs of Canada  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, December 7, 1942.

No. 171

Sir:

I have the honour to refer to your note No. 798 of November 28, 1942, in which you propose, on behalf of your Government, that the Haines-Champagne cut-off road shall henceforth be considered an integral part of the Alcan Highway, subject in all applicable respects to the terms of the agreement reached in our exchange of notes of March 17-18, 1942. This proposal appears to be covered by the decision of the War Committee on November 18, 1942, that permission be given to the United States to construct the Highway on the understanding that terms would be worked out between the two countries similar to those in effect for the Alaska Highway.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State  
for External Affairs.*

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Canada External Affairs Dept.

(CANADA)

TREATY SERIES, 1942

No. 22

EXCHANGE OF NOTES

(May 4 and 9, 1942)

BETWEEN

CANADA

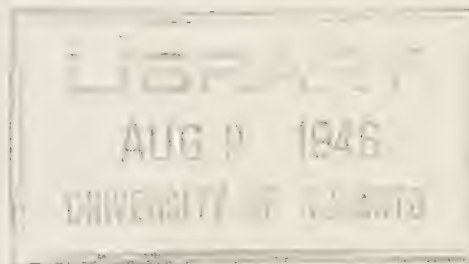
AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

REGARDING THE SOUTHERN TERMINUS  
OF THE ALASKA HIGHWAY

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TREATY SERIES, 1942

No. 22

EXCHANGE OF NOTES

(May 4 and 9, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

REGARDING THE SOUTHERN TERMINUS  
OF THE ALASKA HIGHWAY

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IN FORCE MAY 9, 1942



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THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT  
REGARDING THE SOUTHERN TERMINUS OF THE  
ALASKA HIGHWAY.**

**I**

*The United States Minister to Canada  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, May 4, 1942.

No. 668

Sir:

During the course of a conversation on April 24, 1942, Mr. Keenleyside, Assistant Under Secretary of State for External Affairs, raised the question of the southern terminus of the Alaska Highway now under construction, and inquired in particular if my Government felt that the stretch of road between railhead at Dawson Creek and Fort St. John fell within the terms of the American offer as contained in my note of March 17, 1942.

The wording of the pertinent recommendation of the Permanent Joint Board on Defense, which was incorporated in my note of March 17th, dealt with "the construction of a highway along the route that follows the general line of airports, Fort St. John — Fort Nelson — Watson Lake — Whitehorse — Boundary — Big Delta, the respective termini connecting with existing roads in Canada and Alaska."

As there seemed from Mr. Keenleyside's query to be some ambiguity as to whether the word "termini" limited the length of the road to be constructed, or merely described where existing roads, irrespective of their size or carrying capacity, ended, the appropriate minutes of the Permanent Joint Board on Defense were consulted. These contain the following sentence:

"The proposed highway would have its southern terminus on the Edmonton, Dunvegan, British Columbian Railway, which has available carrying capacity substantially in excess of the possible carrying capacity of the road. Its northern terminus would be at a point about sixty miles south of Fairbanks on the Richardson Highway, which connects Fairbanks with Valdes".

In view of the foregoing, which clarifies the intent of the Permanent Joint Board on Defense, my Government believes that its offer to undertake the building and wartime maintenance of the highway does in fact include the stretch of road from Dawson Creek to Fort St. John. As a matter of record, it would welcome a confirmation of its belief from the Canadian Government.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.



## II

*The Secretary of State for External Affairs of Canada  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, May 9, 1942.

No. 66

Sir:

With reference to your note of May 4, 1942, No. 668, regarding the southern terminus of the Alaska Highway, and to our previous exchange of notes regarding the construction of a highway to Alaska, I have the honour to inform you that the Canadian Government is prepared to agree that the stretch of highway between Dawson Creek, British Columbia, and Fort St. John, British Columbia, be included in the proposed road, and that the railhead at Dawson Creek be accepted as the southern terminus of the highway.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING,  
*Secretary of State  
for External Affairs.*

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Canada External Affairs, Ottawa

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TREATY SERIES, 1942

No. 23

EXCHANGE OF NOTES

(June 27 and 29, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

FOR THE CONSTRUCTION OF A PIPELINE  
AND A REFINERY IN THE YUKON TERRITORY

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IN FORCE JUNE 29, 1942



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TREATY SERIES, 1942

No. 23

EXCHANGE OF NOTES

(June 27 and 29, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

FOR THE CONSTRUCTION OF A PIPELINE  
AND A REFINERY IN THE YUKON TERRITORY

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IN FORCE JUNE 29, 1942



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**EXCHANGE OF NOTES (JUNE 27 AND 29, 1943) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA CONSTITUTING AN  
AGREEMENT FOR THE CONSTRUCTION OF A PIPELINE AND A  
REFINERY IN THE YUKON TERRITORY.**

**I**

*The Minister of the United States to Canada  
to the Secretary of State for External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

No. 710

OTTAWA, Canada, June 27, 1942.

Sir:

1. I have the honor to refer to recent conversations which have taken place with officials of the Department of External Affairs regarding the desire of the United States Government to take steps for extending the fuel supply for the United States Army in Canada and Alaska.

2. My Government, faced with the necessity of obtaining an increased fuel supply without delay, desires to propose the following project, to wit: that it:

(a) Make surveys and construct a pipeline either by United States Army Engineers or by contract, of a size sufficient to deliver three thousand barrels of oil daily from Norman Wells, Northwest Territories, Canada, to Whitehorse, Yukon Territory, Canada;

(b) Sign a contract with a Canadian company to drill additional wells, upon its leases obtained under the Petroleum and Natural Gas Regulations applicable to Dominion Lands or upon permits obtained by it under the Oil and Gas Regulations covering land in the vicinity of Norman Wells. Under this contract the United States War Department would provide the necessary equipment and would purchase the total flow of the additional wells during the war at an agreed price. The wells would remain part of the leasehold or permit property of the Canadian company and would be regarded as having been drilled under the provisions of the Dominion Regulations noted in this clause;

(c) Arrange for the establishment at Whitehorse of facilities for refining crude oil with a capacity of three thousand barrels per day under a contract awarded with a view to insuring the execution of the work in the shortest possible time without regard to whether the contractors are Canadian or American;

(d) Contract with a company or companies to store for the future use of the United States Army, all of the gasoline which may be produced by the refinery at Norman Wells during the operating season of 1942 in excess of what is required for the maintenance of services and enterprises in the Mackenzie District, to operate the pipeline to Whitehorse and to operate the refinery there unless it is operated by the United States Government.

3. My Government further proposes that the pipeline and the refinery shall remain its property, and shall be operated under contracts with it or by its agents or representatives during the war. It further proposes that at the



termination of hostilities the pipeline and refinery shall be valued by two valuers, of whom one shall be named by the United States and one by Canada, with power, if they disagree, to appoint an umpire. The valuation shall be based upon the then commercial value of the pipeline and the refinery, and the Canadian Government shall be given the first option to purchase at the amount of the valuation. If the option is not exercised within three months, they may be offered for sale by public tender, with the amount of the valuation as the reserve price. In the event that neither the Canadian Government nor any private company desires to purchase the pipeline and refinery at the agreed price, the disposition of both facilities shall be referred to the Permanent Joint Board on Defense for consideration and recommendation. Additionally, it is proposed that both Governments agree that they will not themselves order or allow the dismantling of either the pipeline or the refinery, nor will they allow any company which purchases them so to do, unless and until approval for dismantlement is recommended by the Permanent Joint Board of Defense. It is understood that if the pipeline and refinery are at any time used for commercial purposes they will be subject to such regulations and conditions as the Canadian Government may consider it necessary to impose in order to safeguard the public interest.

4. For its part, my Government asks the Canadian Government to agree:

(a) to acquire any essential land and necessary rights of way that may be involved in the projects (including the settlement of all local claims in this connection), title to remain in the Crown in the right of Canada;

(b) to waive during the war import duties, sales taxes, territorial taxes, licence fees or other similar charges on all equipment and supplies to be used in the execution or maintenance of the project by the United States and all personal effects of the construction personnel;

(c) to remit during the war royalties on oil production, and income tax on the income of persons (including corporation) resident in the United States who are employed on the construction or maintenance of the project;

(d) to take the necessary steps to facilitate the admission into Canada of such United States citizens as may be employed on the construction or maintenance of the project during the war, it being understood that the United States will undertake to repatriate at its expense any such persons if the contractors fail to do so.

5. If the Government of Canada agrees to the foregoing proposal for this project, it is suggested that any supplementary details involved in its execution be arranged directly between the appropriate governmental agencies subject, when desirable, to confirmation by subsequent exchange of notes.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT,  
*American Minister.*

II

*The Secretary of State for External Affairs  
to the Minister of the United States*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 98

OTTAWA, June 29, 1942.

Sir:

I have the honour to acknowledge the receipt of your Note of June 27, 1942, No. 710, which made certain proposals in regard to the steps to be taken for the purpose of extending the fuel supply for the United States Army in Canada and Alaska.

The proposals made in your Note under reference have been examined by the appropriate authorities of the Canadian Government and it gives me pleasure to inform you that those proposals are accepted. So far as Canada is concerned the agreement which is effected by this exchange of Notes will be considered to have come into effect on this date.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State  
for External Affairs.*









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Canada External Affairs Dept.

(CANADA)

TREATY SERIES, 1942  
No. 24

EXCHANGE OF NOTES  
(August 14/15, 1942)

BETWEEN

CANADA

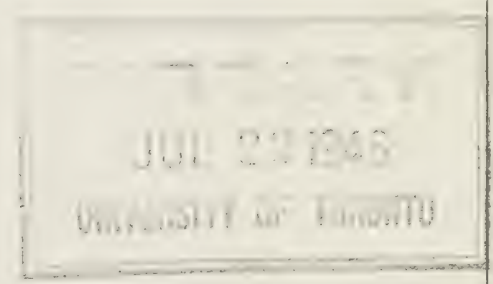
AND THE

UNITED STATES OF AMERICA

FOR THE

ESTABLISHMENT OF AN OIL SUPPLY LINE  
FROM SKAGWAY TO WHITEHORSE

IN FORCE AUGUST 15, 1942



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CANADA

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TREATY SERIES, 1942

No. 24

EXCHANGE OF NOTES

(August 14/15, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

FOR THE

ESTABLISHMENT OF AN OIL SUPPLY LINE  
FROM SKAGWAY TO WHITEHORSE

---

IN FORCE AUGUST 15, 1942



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EXCHANGE OF NOTES (AUGUST 14/15, 1942) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA FOR THE ESTABLISH-  
MENT OF AN OIL SUPPLY LINE FROM SKAGWAY TO WHITE-  
HORSE.

I

*The United States Minister to Canada  
to the Secretary of State for External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

No. 738

OTTAWA, August 14, 1942.

Sir:

I have the honour to refer to my conversation with Mr. Keenleyside on June 26 last, in which on behalf of the Government of the United States I requested the approval of the Canadian Government for the establishment of an oil supply line which would be supplementary to that known as the Canol project which was dealt with in my note of June 27 and your reply of June 29, 1942.

As I pointed out, this supplementary project would involve the transportation in tank cars of gasoline destined for the use of the United States Army in Alaska to Prince Rupert, where authority was requested for the American Government to build by contract suitable storage and loading facilities, and thence by barge to Skagway, Alaska. From Skagway to Whitehorse a four-inch pipeline would be laid under contracts let by the American Government, and the authority of the Canadian Government was requested to lay that section of the pipeline within Canadian territory. At Whitehorse the gasoline would be stored in the facilities being built under the Canol project.

The Canadian Government was good enough to inform me orally on June 27 that it approved the establishment of the new supply line as outlined in the preceding paragraph.

My Government has instructed me to propose to the Canadian Government that the terms of the agreement reached in the exchange of notes of June 27-June 29, 1942, on the Canol project shall apply also, *mutatis mutandis*, to the supplementary project outlined above in respect of any construction within Canadian territory except as hereafter set forth. My Government proposes that the pipeline from Skagway to Whitehorse and the storage and loading facilities at Prince Rupert shall remain its property and shall be operated under contracts with it or by its agents or representatives during the war. It further proposes that at the termination of the hostilities the two governments agree that at the request of either government discussions between them shall be undertaken with a view to reaching an agreement in regard to the disposition of this pipeline and of the storage and loading facilities at Prince Rupert. Additionally, it is proposed that both governments agree that they will not themselves order or allow the dismantlement of this pipeline or of the facilities mentioned, nor will they allow their dismantlement by any company which may purchase them unless and until approval for dismantlement is recommended by the Permanent Joint Board on Defence.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.

## II

*The Secretary of State for External Affairs  
to the United States Minister to Canada.*

## DEPARTMENT OF EXTERNAL AFFAIRS

No. 125

OTTAWA, August 15, 1942.

Sir:

I have the honour to acknowledge receipt of your note of August 14, 1942, No. 738, in which you present certain proposals for the establishment of an oil supply line for the use of the United States Army in Alaska. It is understood that the proposed supply line will be supplementary to the scheme known as the Canol project which was the subject of an exchange of notes dated June 27, 1942 and June 29, 1942.

After careful consideration the Canadian Government agrees to the proposals outlined in your note under reference, subject to the conditions therein set forth.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State  
for External Affairs.*

Canada External Affairs 24/11/42

(CANADA)

TREATY SERIES, 1942

No. 25

EXCHANGE OF NOTES

(December 8 and 19, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

FOR THE

PRESERVATION AND PROTECTION  
OF FUR SEALS OF THE BERING SEA  
AND THE NORTH PACIFIC OCEAN



OTTAWA  
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1946





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TREATY SERIES, 1942

No. 25

EXCHANGE OF NOTES

(December 8 and 19, 1942)

BETWEEN

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FOR THE

PRESERVATION AND PROTECTION  
OF FUR SEALS OF THE BERING SEA  
AND THE NORTH PACIFIC OCEAN



OTTAWA  
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**EXCHANGE OF NOTES (DECEMBER 8 AND 19, 1942) BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA RECORDING  
AN AGREEMENT REGARDING FUR SEALS OF THE BERING SEA  
AND THE NORTH PACIFIC OCEAN.**

**I**

*The Secretary of State of the United States  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, December 8, 1942.

Sir:

I have the honor to refer to the conversation on August 12, 1942 between Mr. Merchant M. Mahoney, Counsellor of the Canadian Legation, and an officer of the Department when Mr. Mahoney left an informal memorandum dated August 10, 1942 in which it is stated that the terms of the Department's note dated May 7, 1942 and the proposed provisional fur seal agreement between the United States and Canada contained therein are generally acceptable to the Canadian authorities but that the Canadian Department of Fisheries desires an interpretation of certain specific points.

The first of the points on which an interpretation is desired relates to the basis for the suggestion made by this Government that the Canadian share of the fur sealskins taken annually on the Pribilof Islands be increased to 20 percent by adding to the 15 percent heretofore received by Canada under the fur seal convention concluded on July 7, 1911 between the United States, Great Britain, Japan, and Russia, a part of the share formerly received by Japan under that convention. With regard to this I am pleased to say that, in accordance with conversations between representatives of our two Governments, this Government's proposal that the Canadian share of the fur sealskins be increased to 20 percent is in recognition of the principles underlying the fur seal convention of July 7, 1911, and the cooperation of the Canadian Government in scientific arrangements for the conservation of the fur seal herd. This figure is calculated with reference to the pro rata share heretofore received by Canada and to Canada's established interest in the fur seal resources, and is intended to be provisional only for the purposes of the present agreement.

With reference to the second point mentioned in the Legation's memorandum, I have to say that no objection is perceived to the deletion of the word "North" as used in the expression "North Pacific Ocean" in Article I of the text of the agreement as proposed in the Department's note of May 7, 1942.

No objection is perceived to the suggestion, made under the third point in the Legation's memorandum, that consultations between the two Governments from time to time regarding the level of population of the herd, provided for by Article VIII of the proposed agreement, shall also include other important phases of management or policy relating to the herd.

Likewise, no objection is perceived to the suggestions, made under the fourth point in the Legation's memorandum, that the agreement shall be retroactive for the 1942 season; also that it shall remain in effect for twelve

months after the end of the present emergency unless either Government enacts legislation contrary to its provisions or until twelve months after either Government shall have notified the other Government of an intention of terminating the agreement.

With particular reference to the text of the proposed agreement it is understood, from conversations between representatives of our two Governments, that as far as practicable the provisions of the fur seal convention of July 7, 1911 should be incorporated in the agreement together with the following principal changes and additions:

(1) An increase in the Canadian share of the fur sealskins taken annually on the Pribilof Islands from 15 percent to 20 percent.

(2) A provision in the agreement for pelagic sealing under emergency circumstances. It is the view of the Government of the United States that the details regarding the conditions under which pelagic sealing might be conducted and the sharing of the sealskins taken by pelagic sealing should be the subject of consultation between the two Governments in the event circumstances indicate that pelagic sealing should be resorted to in order to utilize effectively the fur seal herd.

(3) A provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research.

(4) A provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

In the light of these considerations, the Government of the United States is prepared to enter into a provisional fur seal agreement with the Government of Canada in the following terms which embody the suggestions made by representatives of the Canadian Government:

## ARTICLE I

The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

## ARTICLE II

The Government of the United States of America and the Government of Canada mutually and reciprocally agree that:

(a) Excepting as may be authorized pursuant to paragraph (c) of this Article, nationals or citizens of the respective countries, and all persons, and vessels, subject to their laws and treaties, shall be prohibited, while this Agreement remains in force, from engaging in pelagic sealing in the waters within the area defined in Article I, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of the other Party to this Agreement, and detained by the naval or other duly commissioned officers of either of the Parties, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to



establish the offense, so far as they are under the control of either of the Parties to this Agreement, shall be furnished with all reasonable promptness to the authorities having jurisdiction to try the offense;

(b) No person or vessel shall be permitted to use any of the ports or harbors of either of the Parties to this Agreement or any part of the territories of such Parties for any purposes connected with the operation of pelagic sealing in the waters within the area defined in Article I; and the importation into or possession within their respective territories of skins of fur seals taken in those waters other than in accord with the provisions of this Agreement shall not be permitted; and

(c) Notwithstanding the foregoing provisions, pelagic sealing may be conducted, in the event of emergency circumstances, by an agency or agencies authorized by either of the two Governments under such conditions and for such a period as may be agreed upon by consultation between the two Governments, and the skins thus taken shall be shared in such a manner as may be agreed upon between them.

### ARTICLE III

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands or at such other point or points as may be acceptable to both Governments, at the end of each season during the term of this Agreement 20 percent gross in number and value thereof to an authorized agent of the Canadian Government.

### ARTICLE IV

It is agreed on the part of Canada that in case any fur seals hereafter resort to any islands or shores of the waters defined in Article I subject to the jurisdiction of Canada, there shall be delivered at the end of each season during the term of this Agreement 20 percent gross in number and value of the total number of sealskins taken annually from such herd to an authorized agent of the Government of the United States of America at Vancouver, British Columbia, or at such other point or points as may be acceptable to both Governments.

### ARTICLE V

The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

### ARTICLE VI

The term "pelagic sealing" is hereby defined for the purposes of this Agreement as meaning the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea.



## ARTICLE VII

Notwithstanding anything contained in the preceding Articles of the present Agreement, either Party to this Agreement may grant to any of its nationals or agencies a special permit to take fur seals for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Party deems appropriate. Each Party shall at the end of each calendar year inform the other Party of the number of animals taken and the data obtained under such permits.

## ARTICLE VIII

Nothing contained in the present Agreement shall restrict the right of the United States at any time to suspend altogether the taking of sealskins upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to its jurisdiction, or the right of the United States to impose such restrictions and regulations upon the total number of skins which may be taken in any season and the manner and times and places of taking skins as may seem necessary to protect and preserve the seal herd or to increase its numbers, provided, however, that the two Governments will consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

## ARTICLE IX

Each of the Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

The Parties further agree to cooperate with each other in taking such measures as may be appropriate for the enforcement of the foregoing provisions.

## ARTICLE X

This Agreement shall enter into force on the day the President of the United States of America approves legislation enacted by the Congress of the United States for its enforcement, and the day the Government of Canada issues an Order in Council applying the provisions of the Agreement, or should the President's approval of the legislation and the issuance of the Order in Council be on different days, on the date of the later in time of such approval by the President or issuance of such Order in Council. When this Agreement shall have entered into force it shall be deemed to have been in effect as from June 1, 1942. The Agreement shall remain in effect for the duration of the present emergency and twelve months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary to its provisions or until twelve months after either Government shall have notified the other Government of an intention of terminating the Agreement.

If the foregoing is acceptable to the Government of Canada, this note and your reply thereto will be regarded as placing on record the provisional agreement of the Government of the United States of America and the Government of Canada for the protection, preservation and utilization of the fur seal herd of the Pribilof Islands.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

II

*The Canadian Minister to the United States  
to the Secretary of State of the United States*

CANADIAN LEGATION

December 19, 1942.

No. 794

Sir,

I have the honour to acknowledge the receipt of your Note of December 8th, 1942, setting forth the terms of the provisional fur seal agreement which the Government of the United States is prepared to enter into with the Government of Canada.

Under instructions from my Government, I hereby advise you that the Government of Canada accepts the proposals of the Government of the United States contained in your Note and in particular the provisional agreement.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.





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(CANADA)

TREATY SERIES, 1942

No. 26

EXCHANGE OF NOTES

(August 26 and September 10, 1942)

BETWEEN

CANADA

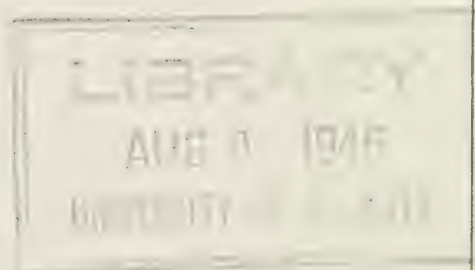
AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

ON THE CONSTRUCTION OF FLIGHT STRIPS  
ALONG THE ALASKA HIGHWAY

IN FORCE SEPTEMBER 10, 1942



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TREATY SERIES, 1942

No. 26

EXCHANGE OF NOTES

(August 26 and September 10, 1942)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

ON THE CONSTRUCTION OF FLIGHT STRIPS  
ALONG THE ALASKA HIGHWAY

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IN FORCE SEPTEMBER 10, 1942



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**EXCHANGE OF NOTES (AUGUST 26 AND SEPTEMBER 10, 1942)  
BETWEEN CANADA AND THE UNITED STATES OF AMERICA  
RECORDING AN AGREEMENT ON THE CONSTRUCTION OF  
FLIGHT STRIPS ALONG THE ALASKA HIGHWAY.**

I

*The United States Minister to Canada  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 744

OTTAWA, August 26, 1942.

Sir:

With a view to increasing the value of the Alaska Highway, the American authorities are anxious to undertake the construction of eight flight strips to be located along the road. The tentative sites for these strips are as follows:

No. 1 At Dawson Creek.

No. 2 About 50 miles south of Ft. Nelson.

No. 3 About 75 miles west of Ft. Nelson.

No. 4 Approximately 40 miles east of Lower Post.

No. 5 Approximately 55 miles west of Lower Post.

No. 6 Approximately 60 miles southeast of Whitehorse.

No. 7 Approximately 30 miles northwest of Whitehorse.

No. 8 About midway between Burwash Landing and Snag.

Although the flight strips will in all cases be located along the highway, they will be so placed in direction as to benefit by the prevailing wind.

My Government believes that the construction of these eight flight strips along the highway, which will result in its greater usefulness, falls within the scope and under the terms of the project as agreed to in our exchange of notes of March 17-18, 1942, but inasmuch as mention thereof was not specifically made in the text, it would welcome a confirmation from you of its belief.

Accept, Sir the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.

II

*The Secretary of State for External Affairs  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 134

OTTAWA, September 10, 1942.

Sir,

In reply to your Note of August 26, 1942, No. 744, I have the honour to inform you that the Canadian Government agrees to the construction of eight flight strips to be located along the route of the Alaska Highway at approximately the points mentioned in your Note.

Accept, Sir, the renewed assurances of my highest consideration.

H. M. WRONG,

*For the Secretary of State for External Affairs.*





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Canada External Affairs Dept. A-

(CANADA)

TREATY SERIES, 1942

No. 27

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TO  
TREATY SERIES, 1942



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TREATY SERIES, 1942

No. 27

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For an index to previous Treaty Series *see*:—

*Treaty Series 1940, No. 16*: General Index to Treaty Series 1928-1940.

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DEPARTMENT OF EXTERNAL AFFAIRS

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Canada, External Affairs, Sep 16

CANADA

TREATY SERIES, 1943

No. 1

DECLARATION  
BY UNITED NATIONS  
ON  
FORCED DISPOSSESSION OF PROPERTY  
IN  
ENEMY-CONTROLLED TERRITORY

Made at Ottawa and Other Capitals  
January 5, 1943



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TREATY SERIES, 1943

No. 1

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**DECLARATION BY UNITED NATIONS  
ON FORCED DISPOSSESSION OF PROPERTY  
IN ENEMY-CONTROLLED TERRITORY**

Made at Ottawa and other capitals, January 5, 1943

The Union of South Africa, the United States of America, Australia, Belgium, Canada, China, the Czechoslovak Republic, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxemburg, the Netherlands, New Zealand, Norway, Poland, the Union of Soviet Socialist Republics, Yugoslavia and the French National Committee:

Hereby issue a formal warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practised by the Governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled.

Accordingly the Governments making this Declaration and the French National Committee reserve all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war or which belong or have belonged, to persons, including juridical persons, resident in such territories. This warning applies whether such transfers or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.

The Governments making this Declaration and the French National Committee solemnly record their solidarity in this matter.





Canada - External Affairs Dept. A

( CANADA )

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TREATY SERIES, 1943

No. 2

EXCHANGE OF NOTES

(January 27, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

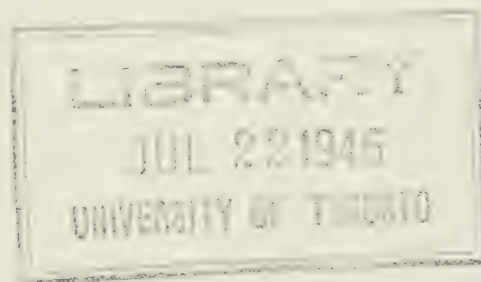
CONSTITUTING AN AGREEMENT

REGARDING THE

POST-WAR DISPOSITION OF DEFENCE PROJECTS  
AND INSTALLATIONS CONSTRUCTED IN CANADA  
BY THE GOVERNMENT OF THE UNITED STATES

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IN FORCE JANUARY 27, 1943



OTTAWA  
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1946



CANADA

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TREATY SERIES, 1943

No. 2

EXCHANGE OF NOTES

(January 27, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

REGARDING THE

POST-WAR DISPOSITION OF DEFENCE PROJECTS  
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IN FORCE JANUARY 27, 1943



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AGREEMENT REGARDING THE POST-WAR DISPOSITION OF  
DEFENCE PROJECTS AND INSTALLATIONS CONSTRUCTED  
IN CANADA BY THE GOVERNMENT OF THE UNITED STATES**

**I**

*The Chargé d'Affaires of the United States  
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

Ottawa, January 27, 1943.

No. 827

SIR:

Under instructions from my Government, I have the honor to refer to conversations relating to the post-war disposition of various facilities being or to be constructed in Canada by the Government of the United States.

Although in many instances the Governments of the United States of America and of Canada have reached specific agreements covering the post-war disposition of defence projects and installations which, in order more effectively to prosecute the war, the Government of the United States, with the consent and approval of the Canadian Government, has built or is building in Canada, nevertheless there seemed advantage in defining certain general principles which in the absence of special circumstances should serve as a guide to the two Governments in formulating any future agreements covering the post-war disposition of such projects or installations in Canada. The same general principles would of course apply reciprocally in the event of any project or installation being built by the Canadian Government in the United States territory.

The matter was referred to the Permanent Joint Board on Defence which after careful study adopted the following Recommendation on January 13, 1943:

"The Board considered the question of the post-war disposition of the defense projects and installations which the Government of the United States has built or may build in Canada. The Board noted that the two Governments have already reached specific agreements for the post-war disposition of most of the projects and installations thus far undertaken. It considers that such agreements are desirable and should be made whenever possible.

"The Board recommends the approval of the following formula as a general fair and equitable basis to be used by reference whenever appropriate in the making of agreements in the future and to cover such defence projects, if any, the post-war disposition of which has not previously been specifically provided for:

"A: All immovable defence installations built or provided in Canada by the Government of the United States shall within one year after the cessation of hostilities, unless otherwise agreed by the two Governments, be relinquished to the Crown either in the right of Canada or in the right of the province in which the same or any part thereof lies, as may be appropriate under Canadian law.

"B: All movable facilities built or provided in Canada by the Government of the United States shall within one year after the cessation of hostilities, unless otherwise agreed by the two Governments at the option of the United States Government:

- (1) be removed from Canada; or
- (2) be offered for sale to the Government of Canada, or with the approval of the Government of Canada, to the Government of the appropriate Province at a price to be fixed by a Board of two appraisers, one to be chosen by each country and with power to select a third in the case of disagreement.

"C: In the event that the United States Government has foregone its option as described in B(1), and the Canadian Government or the Provincial Government decides to forego its option as described in B(2), the facility under consideration shall be offered for sale in the open market, any sale to be subject to the approval of both Governments.

"D: In the event of no sale being concluded the disposition of such facility shall be referred for recommendation to the Permanent Joint Board on Defence or to such other agency as the two Governments may designate.

"The principles outlined above shall reciprocally apply to any defence projects and installations which may be built in the United States by the Government of Canada.

"All of the foregoing provisions relate to the physical disposition and ownership of projects, installations, and facilities and are without prejudice to any agreement or agreements which may be reached between the Governments of the United States and Canada in regard to the post-war use of any of these projects, installations, and facilities."

I have today been directed to inform you that this Recommendation has been approved by the Government of the United States of America, which would welcome confirmation from you that it has likewise been approved by the Government of Canada.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK,  
*Chargé d'Affairs ad interim.*

## II

*The Secretary of State for External Affairs, Ottawa,  
to the United States Chargé d'Affaires ad Interim*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, January 27, 1943.

No. 7

SIR,

I have the honour to acknowledge receipt of your Note of January 27, 1943, No. 827, in which you referred to recent discussions relating to the post-war disposition of various defence projects, installations and facilities being or to be constructed in Canada by the Government of the United States with the consent and approval of the Government of Canada.

It is noted with satisfaction that the Government of the United States has approved the Twenty-Eighth Recommendation of the Permanent Joint Board on Defence which dealt with this matter and which read as follows:—



"The Board considered the question of the post-war disposition of the defence projects and installations which the Government of the United States has built or may build in Canada. The Board noted that the two Governments have already reached specific agreements for the post-war disposition of most of the projects and installations thus far undertaken. It considers that such agreements are desirable and should be made whenever possible.

"The Board recommends the approval of the following formula as a generally fair and equitable basis to be used by reference whenever appropriate in the making of agreements in the future and to cover such defence projects, if any, the post-war disposition of which has not previously been specifically provided for:

"A: All immovable defence installations built or provided in Canada by the Government of the United States shall within one year after the cessation of hostilities, unless otherwise agreed by the two Governments, be relinquished to the Crown either in the right of Canada or in the right of the province in which the same or any part thereof lies, as may be appropriate under Canadian law.

"B: All movable facilities built or provided in Canada by the Government of the United States shall within one year after the cessation of hostilities, unless otherwise agreed by the two Governments, at the option of the United States Government:

(1) be removed from Canada; or

(2) be offered for sale to the Government of Canada, or with the approval of the Government of Canada, to the Government of the appropriate Province at a price to be fixed by a Board of two appraisers, one to be chosen by each country and with power to select a third in the case of disagreement.

"C: In the event that the United States Government has foregone its option as described in B(1), and the Canadian Government or the Provincial Government decides to forego its option as described in B(2), the facility under consideration shall be offered for sale in the open market, any sale to be subject to the approval of both Governments.

"D: In the event of no sale being concluded the disposition of such facility shall be referred for recommendation to the Permanent Joint Board on Defence or to such other agency as the two Governments may designate.

"The principles outlined above shall reciprocally apply to any defence projects and installations which may be built in the United States by the Government of Canada.

"All of the foregoing provisions relate to the physical disposition and ownership of projects, installations, and facilities and are without prejudice to any agreement or agreements which may be reached between the Governments of the United States and Canada in regard to the post-war use of any of these projects, installations, and facilities."

It gives me pleasure to inform you that the Canadian Government has also approved this Recommendation and has so informed the Permanent Joint Board on Defence.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING,  
*Secretary of State for External Affairs.*









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Canada, External Affairs Dept  
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(CANADA)

TREATY SERIES, 1943

No. 3

EXCHANGE OF NOTES

(February 22 and 23, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

RESPECTING THE

WHITE PASS AND YUKON ROUTE RAILWAY

IN FORCE FEBRUARY 23, 1943



OTTAWA  
EDMOND CLOUTIER  
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1946

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CANADA

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**EXCHANGE OF NOTES (FEBRUARY 22 AND 23, 1943) BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA RECORDING  
AN AGREEMENT RESPECTING THE WHITE PASS AND YUKON  
ROUTE RAILWAY**

**I**

*The Secretary of State for External Affairs of Canada  
to the Chargé d'Affaires ad interim of the  
United States of America in Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 17

OTTAWA, February 22, 1943.

Sir,

I have the honour to refer to the correspondence and negotiations with regard to the White Pass and Yukon Route. I am enclosing for your information a copy of an Order in Council P.C. 10067, dated the 6th of November, 1942. This Order in Council is in terms which have already met with your approval, and which establish the legal foundation for the operation and maintenance by the Government of the United States of America for the duration of the war of the Railway owned by the British Yukon Railway Company and the British Columbia-Yukon Railway, which form parts of the White Pass and Yukon Route.

2. The arrangements which have been agreed upon contemplate that there may be agreements concluded between the Government of the United States of America and the Government of Canada, or the Government of the Province of British Columbia, in respect of matters within the jurisdiction of such governments. It is my understanding that the authorities of your Government who are interested in this matter considered that such agreements should be of a flexible character, and should be entered into by recording, from time to time, by Exchange of Notes, arrangements which concern the two Governments. It is likely that in the course of the operation of the White Pass and Yukon Route further matters will arise requiring modifications and changes, and that your Government and mine will co-operate in bringing these about. There are, however, certain understandings which have already met with the approval of the interested departments of the two Governments during the negotiations at the meeting which was held on October 16, 1942.

3. Accordingly, it is desirable to place on record the following understandings:

(1) The monthly rental is to be paid by the United States Government in United States Dollars, and insofar as United States taxation is concerned is to be net to the companies.

(2) The Canadian Government will continue to charge against the Canadian companies, namely the British Columbia-Yukon Railway Company and the British Yukon Railway Company in the usual manner all taxes other than taxation of operating income. For the term of the lease, corporation income taxes will be based upon income from rental only, and there will be no taxation of operating profits as such. Similarly, it is open



to the Province of British Columbia to continue to charge against the British Columbia-Yukon Railway Company such taxes as it has heretofore imposed upon the company, without regard to the operation of the White Pass and Yukon Route by the United States Government.

(3) Civilian personnel resident in Canada will pay taxes to the Canadian Government, even though they are actually employed by the United States Government. Civilian employees resident in United States territory and United States Army personnel will not, by reason of their employment on the White Pass and Yukon Route be subject to Canadian taxation.

(4) Civilian personnel will be subject to local Workmen's Compensation and Unemployment Insurance laws and regulations in the same manner as if they were directly employed by the Canadian companies. This will apply only to civilian personnel residing in Canadian territory, and will have no application to United States Army personnel or civilian personnel resident in United States territory. United States authorities will supply the necessary information to the Workmen's Compensation and Unemployment insurance authorities, but will not be required to make deductions at the source.

(5) The United States Government will furnish by February 15 of each year full information with respect to remuneration paid to civilian personnel resident in Canada, but will not be required to make deductions at the source for taxation purposes.

(6) The annual operating report to the Board of Transport will be made in the joint names of the two Canadian companies. This report will show substantially the same information as it has heretofore, with the exceptions that operating statistics will be omitted, and that the only income shown in the reports will be the annual rental received from the United States Government. If required by the Board, operating statistics will be furnished by the United States Military Railway Service.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State for  
External Affairs.*

*Enclosure*

Order in Council authorizing the lease of the White  
Pass and Yukon Route Railway to the Government  
of the United States of America

P.C. 10067

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of November, 1942

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Secretary of State for External Affairs reports that:—

(1) The Government of the United States of America wishes to lease from its present owners, for the purpose of the operation and maintenance thereof for the duration of the state of war now existing subject to prior

termination, the railway known as the White Pass and Yukon Route, which runs from Skagway, Alaska, across British Columbia to Whitehorse, Yukon Territory.

(2) The Secretary of State for External Affairs is of opinion that, by reason of the state of war now existing, it is advisable for the security and defence of Canada and in particular of the west coast of Canada, that the owners of the said railway be authorized and empowered to enter into a lease of the railway for such purpose and that the Government of the United States of America be authorized to lease and maintain and operate the said railway for the duration of the state of war now existing.

(3) (a) The Alaska part of the railway is owned by the Pacific and Arctic Railway and Navigation Company, a West Virginia corporation.

(b) The Yukon part of the railway is owned by the British Yukon Railway Company (hereinafter called the Dominion Company), which was incorporated by Chapter 89 of the Statutes of Canada 60-61 Victoria, subsequently amended by 63-64 Victoria, Chapter 53; 1 Edward VII, Chapter 50; and 7-8 Edward VII, Chapter 88.

(c) The British Columbia part of the railway is owned by the British Columbia-Yukon Railway Company (hereinafter called the B.C. Company), which was incorporated by Chapter 49 of the Statutes of British Columbia, 1897.

(4) The Government of the United States of America has informed the Secretary of State for External Affairs that it intends to operate and maintain in so far as it is practicable, the part of the said railway in Canada during the term of the said lease in accordance with all laws in force in Canada, and all regulations, orders and tariffs made or established pursuant thereto, relating to or applicable in respect of the operation and maintenance of the said part of the railway in Canada in the same manner, unless inconsistent with the maximum war effort, as if such part of the said railway were being operated during such term by the Dominion and B.C. companies and in particular that it intends that:

(a) any lawful order of the Board of Transport Commissioners for Canada or of the Government of the Province of British Columbia addressed to or binding on the Dominion company or B.C. company during the term of the lease will be complied with;

(b) arrangements will be made to provide for the payment during the term of the lease of all taxes and of all assessments, contributions and other levies in respect of workmen's compensation or unemployment insurance in the same manner and to the same extent as if the said part of the railway were operated during the term of the lease by the Dominion and B.C. companies and for all such purposes the operation and maintenance of the part of the said railway in Canada shall be deemed to be carried on during the term of the said lease on behalf of the said companies subject to any special arrangement made between the Government of the United States and the Government of Canada or of the Government of the Province of British Columbia;

(c) any claim of any person in respect of loss or damage in any way arising out of the operation or maintenance of the said railway in Canada during the term of the lease will be dealt with as a claim against the company which is the owner of the part of the railway with respect to the operation or maintenance of which the claim is made and for such purpose and for the purpose of any legal proceedings in respect thereof the said part of the railway will be deemed to be operated and maintained by the said company during the term of the lease and all persons engaged in such operation or maintenance by the Government of the United States will be deemed to be agents or officers, servants or employees, as the case may be, of the said company;



(d) the railway will be operated and maintained during the term of the lease as a common carrier under the law in force in Canada applicable thereto and will carry all normal traffic and render all normal services and the interests of Canadian users of the railway will not be prejudiced by reason of the lease;

(e) if provision is made for the carrying into effect of the said lease in the foregoing manner, the Government of the United States will indemnify and keep whole the said companies in respect of any liability incurred by such companies by reason thereof.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, concurred in by the Minister of Transport, and under and by virtue of the powers conferred on the Governor in Council by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Notwithstanding any provisions to the contrary in the laws incorporating the British Yukon Railway Company and British Columbia-Yukon Railway Company or in the Railway Act of Canada or in any other law in force in Canada;

(a) the British Yukon Railway Company and the British Columbia-Yukon Railway Company are, subject to the provisions of paragraph 2 of this Order, empowered and authorized to lease the railways owned by such companies respectively, to the United States of America for the duration of the state of war now existing;

(b) the United States of America is authorized to operate and maintain for the duration of the state of war now existing, the said railways owned by the British Yukon Railway Company and the British Columbia-Yukon Railway Company.

2. Notwithstanding anything contained in the terms of any lease entered into under the authority of this order, the part of the railway known as the White Pass and Yukon Route in Canada so leased, shall be deemed, for the purpose of all laws in force in Canada and all regulations, orders, or tariffs made or established pursuant thereto, to be constructed, operated and maintained during the term of such lease by the British Yukon Railway Company and the British Columbia-Yukon Railway Company in respect of the part thereof owned by each such company, and each such company shall, in respect of the construction, operation and maintenance during the term of the lease of the part of the said railway owned by it, be liable under such laws, regulations, orders or tariffs in all respects as if it were constructing, operating and maintaining such part of the railway and without restricting the generality of the foregoing, each such company shall, in respect of the construction, operation and maintenance during the term of the lease of the part of the said railway owned by it, be liable

(a) for any failure or omission to comply with or any contravention of any lawful order of the Board of Transport Commissioners for Canada or by the Government of the Province of British Columbia addressed to or binding on the said company during the term of the lease;

(b) to pay taxes and to pay any assessments, contributions or other levies in respect of workmen's compensation or unemployment insurance to the same extent as if the construction, operation and maintenance of the railway during the term of the lease was carried on by the company, and for such purpose the construction, operation and maintenance of the railway during the term of such lease shall be deemed to be carried on behalf of the company, unless such liability is expressly limited or altered in accordance with any agreement between



the United States of America and the Government of Canada or of the Government of the Province of British Columbia in respect of matters within the jurisdiction of such governments respectively;

(c) in respect of any act or omission of any person engaged in the construction, operation or maintenance of such railway during the term of the lease by the Government of the United States in the same manner and to the same extent as if such person was an agent or an officer, servant or employee of the company, as the case may be, employed in the construction, operation and maintenance of the railway by the company.

3. The word "railway" as used in this Order includes all branches, extension, sidings, stations, depots, wharves, rolling stock, equipment, stores, bridges, tunnels and other structures, property real and personal and works connected therewith.

Certified to be a true copy.

A. D. P. HEENEY,  
*Clerk of the Privy Council.*

## II

*The Chargé d'Affaires ad interim of the United States to the Secretary  
of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, February 23, 1943.

No. 842

I have the honor to acknowledge the receipt of your Note No. 17 of February 22, 1943, regarding the operation and maintenance by the Government of the United States of America for the duration of the war of the railway owned by the British Yukon Railway Company and the British Columbia-Yukon Railway, which form parts of the White Pass and Yukon Route.

I wish to confirm that the understandings of the Canadian Government, as outlined in your Note, conform with those of my Government.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK,  
*Chargé d'Affaires ad interim.*



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CANADA

TREATY SERIES, 1943

No. 4

EXCHANGE OF NOTES

(March 4, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONTINUING IN FORCE

THE AIR TRANSPORT ARRANGEMENT

EFFECTED BY AN EXCHANGE OF NOTES

DATED NOVEMBER 29 AND DECEMBER 2, 1940

IN FORCE MARCH 4, 1943



OTTAWA  
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CANADA

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TREATY SERIES, 1943

No. 4

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(March 4, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONTINUING IN FORCE

THE AIR TRANSPORT ARRANGEMENT

EFFECTED BY AN EXCHANGE OF NOTES

DATED NOVEMBER 29 AND DECEMBER 2, 1940

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IN FORCE MARCH 4, 1943



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**EXCHANGE OF NOTES (MARCH 4, 1943) BETWEEN CANADA AND  
THE UNITED STATES OF AMERICA CONTINUING IN FORCE  
THE AIR TRANSPORT ARRANGEMENT EFFECTED BY AN  
EXCHANGE OF NOTES DATED NOVEMBER 29 AND DECEMBER  
2, 1940\*.**

**I**

*The Acting Secretary of State of the United States to the Canadian Minister  
to the United States*

DEPARTMENT OF STATE

WASHINGTON, March 4, 1943.

Sir:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal undertaking continuing in force the arrangement between the two Governments, entered into by an exchange of notes dated November 29, 1940 and December 2, 1940, for the purpose of giving effect to Article III of the Air Transport Arrangement between the two Governments concluded on August 18, 1939.

It is my understanding that it has been agreed in the course of the recent negotiations, now terminated, that the undertaking referred to in the preceding paragraph shall be as follows:—

Having in mind the fact that because of the war situation it was impracticable for the aeronautical authorities of the United States and Canada to hold a meeting six months prior to December 31, 1942, as contemplated by the arrangement between the two Governments entered into by an exchange of notes dated November 29, 1940, and December 2, 1940, for the purpose of drawing up new recommendations relating to the allocation of air transport routes to United States and Canadian air carriers for operations between the United States and Canada, it is now agreed that, subject to the provisions of the succeeding paragraph, the 1940 arrangement as herein referred to shall be considered to have remained in force from December 31, 1942, and shall continue in force until the end of the war. It is also agreed that after the termination of the war a conference between representatives of the two Governments will be held for the purpose of reviewing the situation as it may then exist with respect to the application of the terms of the arrangement covered by the exchange of notes dated November 29, 1940 and December 2, 1940.

Notwithstanding the foregoing provisions, it is agreed that the present undertaking may be terminated at any time on six months' notice given in writing by either Government to the other Government for important reasons of public policy when the conditions thereof or the actual practice thereunder is no longer regarded by the Government of the country giving such notice as being in its interest. Such notice of termination shall be given by either Government to the other only after consultation between the two Governments for a period of at least sixty days.

---

\*For the text of the arrangement of November-December, 1940, see Canada Treaty Series, 1940, No. 13.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the undertaking agreed to in the recent negotiations, now terminated, are as above set forth. If so, it is suggested that the undertaking become effective on this date. If your Government concurs in this suggestion the Government of the United States will regard the undertaking as becoming effective on this date.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES,  
*Acting Secretary of State.*

## II

*The Canadian Minister to the United States to the Acting Secretary of State  
of the United States*

CANADIAN LEGATION

WASHINGTON, March 4, 1943.

No. 123

Sir:

I have the honour to refer to your note of March 4 setting forth your understanding of the reciprocal undertaking, agreed to in the course of the recent negotiations between the Government of Canada and the Government of the United States of America, to continue in force the arrangement between the two Governments entered into by an exchange of notes dated November 29, 1940, and December 2, 1940, for the purpose of giving effect to Article III of the Air Transport Arrangement between the two Governments concluded on August 18, 1939.

The Canadian Government confirms your understanding of the reciprocal undertaking and agrees that the undertaking shall be effective from the date of your note, namely, March 4, 1943.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.

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Canada. External Affairs, Sept. 1943

(CANADA)

TREATY SERIES, 1943

No. 5

INTER-AMERICAN AGREEMENT

ON

RADIO COMMUNICATIONS

SIGNED AT SANTIAGO-DE-CHILE, JANUARY 26, 1940

Notification of Adherence by Canada Deposited  
at Santiago, May 8, 1943

IN FORCE FOR CANADA MAY 8, 1943



OTTAWA  
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CANADA

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## INTER-AMERICAN RADIO AGREEMENT(1)

Signed at Santiago-de-Chile, January 26, 1940

The Delegates of the American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, United States of America, Guatemala, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela, duly empowered, representing the respective Administrations, meeting in the city of Santiago, Chile, and constituting the Second Inter-American Radio-Conference, formulate, for the approval of their respective Governments, the present Agreement, which changes and replaces the Havana Arrangement of 1937.(2)

### ARTICLE 1

#### *Allocation of frequencies for the different services in the American continent*

In the American continent the allocation of frequencies for services established in Article 7 of the General Radio Regulations (Revision Cairo, 1938) (3), shall be applied with the following modifications or specific adaptations:

##### *(1) Bands of frequencies from 10 to 550 kc.*

(a) In the band of frequencies 200 to 400 kc the aeronautical service shall enjoy priority for aids to aerial navigation, including the transmission of weather reports and other information concerning the safety of aircraft in flight, subject only to the priority of the Maritime services existing on July 1, 1938.

(b) With reference to the provisions of Articles 7 and 21 of the General Radio Regulations (Cairo, 1938), the use of the frequency 333 kc shall not be applied in the Northern zone with the exception of special cases in connection with transatlantic flights.

##### *(2) Frequency bands 550 to 1600 kc.*

The band of frequencies from 550 to 1600 kc is assigned exclusively to broadcasting services in the American continent.

##### *(3) Frequency band 1600 to 15000 kc.*

The assignment of frequencies in this band to the various services will be adjusted to the provisions of Article 7 of the General Radio Regulations (Cairo, 1938), subject to the following specific adaptations for the American continent:—

---

(1) Canada adhered to this Arrangement subject to the following reservation, namely: Canada reserves the right to continue the use, for existing domestic services, of the frequencies 5405 kc. and 2870 kc. which are Canadian priority channels under regional agreements.

(2) For the text of this Arrangement of 1937 see *Canada Treaty Series*, 1938. No. 17.

(3) For the text of the General Radio Regulations see *United States Treaty Series* 948.

<i>Frequency</i>	<i>Northern Zone</i>	<i>Central Zone</i>	<i>Southern Zone</i>
1600-1715	Fixed and mobile (Primarily for police services, and the frequency 1638 kc for direction finding in aviation).	Fixed and mobile (including aeronautical, frequencies 1638 and 1708 kc for direction finding).	Fixed and mobile (including aeronautical, frequencies 1638 and 1708 kc for direction finding).
1715-1750	Fixed and mobile (primarily for police services).	(a) Fixed and mobile. (b) Amateur. (1)	Amateur.(1)
1750-2000	Amateur.	Amateur.	Amateur.
2000-2050	Amateur.	(a) Amateur. (b) Fixed and mobile. (1)	Fixed and mobile.(1)
2050-2100	Fixed and mobile.	Fixed and mobile.	Fixed and mobile.
2100-2200	Mobile (primarily ship stations).	(a) Mobile (Primarily ship stations). (b) Mobile (exclusively ship stations).(2)	Mobile (exclusively ship stations).(2)
2200-2260	Fixed and mobile.	Fixed and mobile.	Fixed and mobile.
2260-2300	Fixed and mobile.	(a) Fixed and mobile. (b) Mobile (exclusively ships stations). (2)	Mobile (exclusively ship stations).(2)
2300-2395	Mobile (Primarily police).	(a) Mobile (primarily police services). (b) Broadcasting.(3)	(a) Fixed. (b) Mobile. (c) Broadcasting.(4)
2395-2400	Experiments.	(a) Experiments (b) Broadcasting.(3)	(a) Fixed. (b) Mobile. (c) Broadcasting.(4)
2400-2500	Mobile (Primarily police services).	Mobile (Primarily police services).	(a) Fixed. (b) Mobile. (c) Broadcasting.(4)
2500-2600	Mobile (Primarily coastal stations).	(a) Mobile (Primarily coastal stations). (b) Fixed and mobile.(1)	Fixed and mobile.(1)
2600-2634	Aeronautical and mobile.	Aeronautical and mobile. (5)	Aeronautical and mobile. (5)
2634-2642	Aeronautical and mobile (intership frequency 2638 kc).	Aeronautical and mobile. (5)	Aeronautical and mobile. (5)
2642-2735	Aeronautical and mobile.	Aeronautical and mobile. (5)	Aeronautical and mobile. (5)
2735-2740	Mobile (Primarily intership, frequency 2738 kc).	(a) Mobile (Primarily intership, frequency 2738 kc). (b) Fixed and mobile.(1)	Fixed and mobile.(5)
2740-2850	Fixed and mobile.	Fixed and mobile.	Fixed and mobile.
2850-3000	Aeronautical and mobile.	Aeronautical and mobile. (5)	Aeronautical and mobile. (5)
3000-3065	Fixed and mobile.	Fixed and mobile.	Fixed and mobile.
3065-3100	Aeronautical.	Aeronautical.	Aeronautical.
3100-3110	Mobile and aeronautical (Primarily aircraft, calling frequency 3105 kc).	Mobile and aeronautical (Primarily aircraft, calling frequency 3105 kc). (5)	Mobile and aeronautical (Primarily aircraft, calling frequency 3105 kc). (5)
3110-3150	Mobile.	(a) Mobile. (b) Fixed and mobile.(1)	Fixed and mobile.(1)



<i>Frequency</i>	<i>Northern Zone</i>	<i>Central Zone</i>	<i>Southern Zone</i>
3150-3265	Fixed and mobile (Primarily aeronautical).	Fixed and mobile (Primarily aeronautical).(5)	Fixed and mobile (Primarily aeronautical).(5)
3265-3320	Fixed and aeronautical.	Fixed and aeronautical.(5)	Fixed and aeronautical.(5)
3320-3440	Fixed and mobile.	Fixed and mobile.	Fixed and mobile.
3440-3485	Fixed and mobile (Primarily aeronautical).	Fixed and mobile (Primarily aeronautical).(5)	Fixed and mobile (Primarily aeronautical).(5)
3485-3500	Experiments.	(a) Experiments (b) Fixed and mobile.(1)	Fixed and mobile.(1)
3500-4000	Amateur.	Amateur.	Amateur.
4000-5000	Fixed and mobile.	Fixed and mobile.(6)	Fixed and mobile.

## NOTE:

(1) These assignments shall be applied in all countries in South America to the south of Panama.

(2) It is pointed out that this same allocation has been established by the South American Radio Agreement (Santiago, Chile, 1940) with appropriate provisions, and is applicable to all countries in South America, to the south of Panama.

(3) The band of frequencies 2300-2400 kc is used for broadcasting in conformity with the provisions of Article 7, Section 8, Part I, Paragraph 3(b), (c), (d) (Nos. 137, 138 and 139) of the General Radio Regulations (Cairo, 1938) and in accordance with the Regional Radio Convention of Central America, Panama and the Canal Zone, signed in the city of Guatemala on December 8, 1938, by the following countries: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Canal Zone.

(4) The band of 2300-2500 kc may be employed for broadcasting in the countries of South America between parallels 5° south and 30° south in accordance with the provisions of Article 7, Section 8, Part I, Paragraph (a) (No. 136) of the General Radio Regulations (Cairo, 1938).

(5) Provisional and experimental allocation for all the countries of South America to the south of Panama.

(6) The countries of South America to the north of parallel 5° south, may use the band 4770-4900 kc for the broadcasting services subject to the provisions of Article 7, Sections 8, Part II, Paragraph 1 (a), (b), and Paragraph 3 (Nos. 142-143 and 145) of the General Radio Regulations (Cairo, 1938).

(4) *Frequency Bands 5000-30000 kc.*

The allocation of frequencies to the various services in this band shall conform with the provisions of Article 7 of the General Radio Regulations (Cairo, 1938), subject to the following modifications:—

(a) In the Northern zone and in the Central zone (excluding the countries of South America to the south of Panama), the band of 5500-5570 is assigned to the mobile maritime services, and the band 5570-5700 to the aeronautical services.

(b) In the Northern zone and in the Central Zone (excluding the countries in South America to the south of Panama) the band of 28000 to 30000 kc is reserved exclusively for amateurs.

(5) *Frequency bands from 30000 to 300000 kc.*

(a) This band is assigned to the various services in conformity with the arrangement given in Appendix 4 of the General Radio Regulations (Cairo, 1938) with the following modification:—

The band of frequencies 112000-116000 is assigned to amateurs, and the band of frequencies 116000-118000 to broadcasting.

(b) When the use of this band of frequencies may lead to interferences in the services of another country, every endeavour shall be made to inform the other signatory countries concerning the locality, power, frequency, and type of service of the station or stations authorized to operate in those bands.



## NOTE 1

With reference to the allocation of frequencies established in this Article of the Inter-American Agreement, the Delegation of the United States of America invites attention to Reservation No. 5 in the Final Protocol of the General Radio Regulations (Cairo, 1938) on the basis of which the Delegation reserves the right to use the band 21650-21750 kc both for mobile and broadcasting services.

## NOTE 2

With reference to Note 6, Article 1, the Delegations of Brazil, Colombia, Ecuador, Peru and Venezuela invite attention to the existence of Reservations Nos. 2 and 13 in the Final Protocol of the General Radio Regulations (Cairo, 1938) on the basis of which the Regional Agreement of Bogota (1939) was concluded, and they declare that they accept the allocation of frequencies for services in all points that do not affect the Regional Agreement of Bogota, already mentioned or the reservations previously mentioned.

## NOTE 3

Whenever, as a result of any of the preceding declarations, the radio services of other contracting countries of the Inter-American Agreement may be disturbed, these countries reserve the right to apply Declaration No. 18 of the Final Protocol of the General Radio Regulations (Cairo, 1938).

## ARTICLE 2

*Amateurs (Allocation of Amateur Bands)*

In conformity with the provisions of Article 7 of the General Radio Regulations (Cairo Revision, 1938), the following bands shall be assigned to amateurs:—

- (a) 1750-2050 kc in the Northern zone and the central zone (excluding the countries in South America to the south of Panama.)
- (b) 1715-2000 kc in the Southern zone and the countries of South America to the south of Panama.
- (c) 3500-4000 kc for all signatory countries of the American Continent.
- (d) 7000-7300 kc for all signatory countries of the American Continent.
- (e) 14000-14400 kc for all signatory countries of the American Continent.
- (f) 28000-30000 kc for all signatory countries of the American Continent.
- (g) 56000-60000 kc for all signatory countries of the American Continent.

## ARTICLE 3

*Use of the Frequency 500 kc*

With reference to the provisions of Article 21, Section 4, Par. (3) (Nos. 485, 486) of the General Radio Regulations (Cairo Revision, 1938), all of the American Continent with the exception of Hudson Bay and the region to the north thereof shall be considered a region of heavy traffic. The use of the frequency 500 kc shall be limited in consequence, to danger signals, urgency calls, the requirements of safety, calls and answers thereto and the transmission of brief and single radiotelegrams.

## ARTICLE 4

*Frequency Tolerances*

(1) Technical progress in the matter of frequency stabilization is such that it is possible for all stations to keep themselves within the tolerances specified in Appendix 1 to the General Radio Regulations of Cairo (Table of Frequency Tolerances).

(2) The Table of Frequency Tolerances of the General Radio Regulations is adopted.

(3) The Administrations will promote through their responsible centres the fullest exchange of information concerning stations deviating excessively from their assigned frequency; such data to be transmitted with the greatest possible expedition in order that immediate corrective measures may be undertaken while the transmitting apparatus is in difficulty.

(4) As between the countries of South America, the interchange of data shall be carried out in accordance with the provisions of the South American Radiocommunications Agreement.

## ARTICLE 5

### *Non-essential Radiations*

(1) In order to prevent non-essential radiations, the selection and operation of transmitting apparatus should be inspired by the most recent progress of the art; and to this end, the recommendations of the C.C.I.R. should be taken into account.

(2) The participating Governments agree to require stations under their jurisdiction to use transmitters which are as free as practicable from all spurious emissions.

(3) These radiations should not be of sufficient intensity to cause interference on receiving sets of modern design which are tuned outside the frequency band of emission required for the type of emission employed. In the case of type A-3 emission (radiotelephony), the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur and in the case of amplitude modulation the operation percentage of modulation should not be less than 75 per cent on peaks of frequent recurrence. Adequate means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

(4) A non-essential radiation is any radiation from a transmitter which is out-side the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations or other transient effects.

## ARTICLE 6

### *Suppression of Interference caused by Electrical Apparatus*

The American countries shall adopt measures to suppress or alleviate, as much as possible, interference caused by apparatus or equipment which may generate, or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. (See Annex No. 1.)

## ARTICLE 7

### *International Police Services*

When the signatory countries authorize their police stations which are located in close proximity to the national boundaries of contiguous countries to transmit emergency information with similar stations of another country, the following rules shall be applied:—

(a) Only police stations located close to the boundaries of contiguous countries shall be allowed to engage in this exchange of information.



(b) In general, only important police messages are to be handled, such as those which would lose their value due to slowness and time limitations of other communication systems.

(c) The frequencies to be used in radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Whenever the exchange of radiotelephone communications is authorized, these communications shall be made on the frequencies assigned to the respective stations for radiotelephone service.

(e) If the exchange of radiotelegraph communications is authorized, these communications shall be made on the following frequencies:—

2804 Calling	5195 Day calling
2808 Working	5135 Day working
2812 Working	5140 Day working

(f) Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of International Telecommunications Union, Berne, Switzerland, in order that all stations desiring to intercommunicate may be kept informed of the details concerning their operations.

(g) This service shall, in general, conform with the provisions of Article 17 of the Cairo Radio Regulations.

(h) Full use shall be made of the list of abbreviations appearing in Appendix 11 to the Cairo Radio Regulations. Plain language shall not be used if abbreviations will suffice. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given the messages are to be transmitted in the order of receipt.

(i) The message shall contain the preamble, text, and signature, as follows:—

- (1) *Preamble*.—The preamble of the message shall consist of the following: the serial number preceded by the letter "NR"; service indications as appropriate; check (this is the group count according to standard cable count system); the letter "CK" followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviated), day of month and month, hour of filing and address.
- (2) *Text*.—The text may be either in plain language or code.
- (3) *Signature*.—The signature shall include the name and title of the person originating the message.

## ARTICLE 8

### *Amateur Third Part Messages*

The American countries, with the purpose of further improving the close and friendly relations existing between the people of America, and when their internal legislation permits, agree that amateur radio stations in their respective countries and possessions may internationally exchange messages emanating from third parties; provided, however, that such messages shall be of a character that would not normally be sent by any other existing means of electrical communications and on which no compensation may be directly or indirectly paid.



## ARTICLE 9

*Effective Date, Adherence and Denunciation*

The present Agreement will enter into effect the first day of July, nineteen hundred and forty, for the countries which may have approved it, but also remains open for the adherence of any other American country.

Any country which may wish to withdraw must denounce it with a notice of at least one year in advance.

Approvals, adherences and denunciations must be communicated through diplomatic channels to the Government of Chile which will transmit them to the other interested Governments.

In witness whereof, the respective delegates have signed copies of this instrument, one each in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Chile, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Santiago de Chile, on the twenty-sixth day of January, 1940.

Argentina

A. T. COSENTINO

A. G. B. RIVERA

Bolivia

*ad referendum*

ALBERTO VIRREIRA PACCIERE

Brazil

D. P. RIBEIRO DE LESSA

LAURO AUGUSTO DE MEDEIROS

Chile

DOMINGO SANTA MARIA

Colombia

ARMANDO SOLANO

L. TAFUR GARCES

Costa Rica

Cuba

R. DE CASTRO

Republica Dominicana

MAX. LOVATON

Ecuador

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ALFREDO URZUA U

Panama

Paraguay

L. YRRAZABAL

Peru

C. A. TUDELA

Uruguay

C. DE SANTIAGO

Venezuela

GILBERTO GHERSI

A. LOPEZ

J. M. PÉREZ MACHADO

## ANNEX (See Art. VI).

**TECHNICAL STANDARDS IN CONNECTION WITH THE SUPPRESSION OF INTERFERENCE CAUSED BY ELECTRICAL APPARATUS**

1. Diathermy apparatus, induction field heaters, carrier call systems, and similar non-radio apparatus which uses radio frequency currents as an essential to their operation, may be a serious source of interference to radio-communications.

2. The use of such apparatus has an important place in therapeutics, surgery, industry, etc.

3. The radiation of radio energy is not essential to the proper functioning of the apparatus and can be prevented or controlled without impairing the usefulness of the apparatus for its intended purpose.

4. The radiation takes place generally from the output circuit, internal circuits or power supply connection, all of which are essential elements.

5. The extent of the radiation depends upon the operating frequency or frequencies, power, and the design, installation and operating of the apparatus.

6. The radiation through the power supply connection can be prevented by means of a shielded transformer or a line filter. Radiation from the internal circuits can be prevented by means of suitable metallic cases. The radiation from the output circuits can be reduced to a level so as not to cause interference to radio communications by means of suitable metallic shielding, if the shielding encloses the entire apparatus and is of sufficient dimensions that large eddy currents are not produced in the shield. Aluminium foil paper and well-bonded copper screening have been successfully employed for shielding of rooms enclosing diathermy apparatus.

7. The frequencies used for such apparatus may be any frequency in the useful radio spectrum. However, many diathermy units (which cause most long-distance radio interference) operate in frequencies from approximately 10000 to 25000 kilocycles. Operations on other frequencies mainly cause interference to local or moderate distance reception.

8. The usual diathermy machine is essentially a radio transmitter of the self-excited oscillating type and generally uses self-rectifying plate power supply. Due to the inherent instability of the oscillator circuits, and the different uses to which the output circuit is subject, the operating frequency will vary during normal operation over very wide bands, provided automatic frequency control equipment is not incorporated.

9. All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio-communication.

10. Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:—

- (a) Frequencies to be used.
- (b) Automatic frequency control.
- (c) Frequency stability.
- (d) Type of emission.
- (e) Maximum power output.
- (f) Harmonic radiation to be effectively suppressed.
- (g) Internal circuits to be effectively shielded.
- (h) Radiation from power supply connection to be eliminated.

11. Where diathermy apparatus does not comply with the standards which may be adopted the subscribing countries should consider the desirability of requiring such apparatus to be operated in a properly shielded room.

12. Such apparatus as carrier call systems and certain types of induction furnaces and similar apparatus using medium or low frequencies should be required to restrict the generation of harmonics and make the necessary test to determine that radiation of signal does not result beyond a prescribed level.

13. The interested administrations will interchange all information concerning the solution of the problem created by the serious interference caused by diathermy apparatus to radio communications.





Canada, External Affairs  
(CANADA)

TREATY SERIES, 1943

No. 6

EXCHANGE OF NOTES

(April 9, 1943)

BETWEEN

CANADA

AND

VENEZUELA

RENEWING

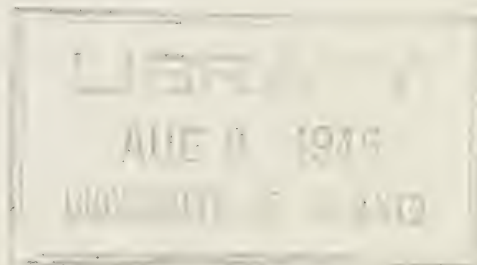
THE COMMERCIAL *MODUS VIVENDI*

OF THE 26th MARCH, 1941

IN FORCE APRIL 9, 1943



OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1946







CANADA

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TREATY SERIES, 1943

No. 6

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(April 9, 1943)

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AND

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RENEWING

THE COMMERCIAL *MODUS VIVENDI*

OF THE 26th MARCH, 1941

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EXCHANGE OF NOTES (APRIL 9, 1943) BETWEEN CANADA AND  
VENEZUELA PROVIDING FOR THE RENEWAL OF THE COM-  
MERCIAL MODUS VIVENDI OF THE 26TH MARCH 1941.\*

I

*The British Chargé d'Affaires to Venezuela  
to the Minister for Foreign Affairs of Venezuela*

BRITISH LEGATION

CARACAS, April 9, 1943.

No. 37.

Your Excellency,

In accordance with instructions received by me from the Government of Canada, I have the honour to place on record in this note that it has been agreed between the Government of Canada and the Government of the United States of Venezuela that the *modus vivendi* which regulates the commercial relations between the two countries which was signed at Caracas on March 26, 1941, shall be renewed without modification for a further period of one year, that is to say, until April 9, 1944, as provided for in the notes which constituted the *modus vivendi*.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

T. J. ANDERSON.

II

*The Foreign Minister of Venezuela  
to the British Chargé d'Affaires to Venezuela*

MINISTERIO DE RELACIONES EXTERIORES DIRECCION DE POLITICA ECONOMICA  
SECCIÓN DE ECONOMÍA

CARACAS, 9 de abril de 1.943.

No. 01910-E.

Señor Engargado de Negocios:

Tengo a honra dejar constancia por la presente nota de que he sido autorizado por mi Gobierno para renovar sin modificaciones por el término de un año, hasta el 9 de abril de 1944, el *modus vivendi* commercial concluído entre los Estados Unidos de Venezuela y Canadá, en Caracas, el 26 de marzo de 1941.

Válgome de la oportunidad para renovar a V.S. las seguridades de mi distinguida consideración.

C. PARRA-PÉREZ.

---

\*For the text of the *modus vivendi* of the 26th March, 1941, see *Canada Treaty Series* 1941, No. 5. For the renewal of April 1942, see *ibid*, 1942, No. 8.



(Translation)

MINISTRY FOR FOREIGN AFFAIRS—DEPARTMENT OF POLITICAL ECONOMY  
ECONOMIC SECTION

CARACAS, 9th April, 1943.

No. 01910-E.

SIR,

I have the honour to place on record in this note that I have been authorized by my Government to renew without modification for the period of one year, up to the 9th April 1944, the commercial *modus vivendi* made between the United States of Venezuela and Canada, in Caracas, on the 26th March 1941.

I avail myself of this opportunity to renew to you the assurance of my high consideration.

C. PARRA-PEREZ.

Can  
E  
Canada External Affairs Dept.

(CANADA)

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TREATY SERIES, 1943

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No. 7

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EXCHANGE OF NOTES

(July 7 and September 3, 1943)

BETWEEN

CANADA

AND

THE UNITED KINGDOM

PROVIDING FOR THE RECIPROCAL EXEMPTION  
OF PERSONS RESIDENT IN CANADA  
AND BRITISH GUIANA  
FROM INCOME TAX OF EARNINGS  
DERIVED FROM THE OPERATION OF SHIPS

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IN FORCE SEPTEMBER 3, 1943



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CANADA

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TREATY SERIES, 1943

No. 7

EXCHANGE OF NOTES

(July 7 and September 3, 1943)

BETWEEN

CANADA

AND

THE UNITED KINGDOM

PROVIDING FOR THE RECIPROCAL EXEMPTION  
OF PERSONS RESIDENT IN CANADA  
AND BRITISH GUIANA  
FROM INCOME TAX OF EARNINGS  
DERIVED FROM THE OPERATION OF SHIPS

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IN FORCE SEPTEMBER 3, 1943



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**EXCHANGE OF NOTES (JULY 7 AND SEPTEMBER 3, 1943) BETWEEN  
CANADA AND THE UNITED KINGDOM PROVIDING FOR THE  
RECIPROCAL EXEMPTION OF PERSONS RESIDENT IN CANADA  
AND BRITISH GUIANA FROM INCOME TAX OF EARNINGS  
DERIVED FROM THE OPERATION OF SHIPS.**

**I**

*The Secretary of State for External Affairs of Canada  
to the High Commissioner for the United Kingdom in Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 36

OTTAWA, July 7, 1943.

Sir,

I have the honour to refer to your despatch No. 63 of June 29 in connection with exemption from Canadian income tax for shipping companies resident in British Guiana and reciprocal exemption from British Guiana income tax for Canadian steamship companies.

Discussion with the appropriate authorities of the Canadian Government has confirmed the fact that exemption from Canadian income tax for shipping companies resident abroad is governed by Section 4 (m) of the Canadian Income Tax Act. This section reads as follows:

"4. The following incomes shall not be liable to taxation hereunder:

(m) The income from the operation of ships owned or operated by a non-resident person or corporation, provided that the country where such person or corporation resides grants an exemption in respect of income earned therein from the operation of ships owned or operated by a person or corporation resident in Canada which in the opinion of the Minister is fairly reciprocal to the exemption herein provided. The Minister may give effect to this exemption, in any case, from the date, past or future, on which the exemption, granted by the country where the person or corporation aforesaid resides, took effect."

You stated in your despatch under reference that the Governor of British Guiana has informed you that exemption from British Guiana income tax will be given to Canadian steamship companies if an equivalent exemption will, in fact, be granted by the Canadian Government to shipping companies resident in British Guiana. I may inform you that the Canadian Government is prepared to extend such an exemption to the income from the operation of ships owned or operated by a person or corporation resident in British Guiana under the terms set forth in Section 4 (m) of the Income Tax Act to which I have referred above.

If it appears to the Government of British Guiana that the exemption suggested by Canada would represent an equivalent exemption to that which could be accorded under British Guiana law I would suggest that this note, together with your reply setting forth acceptance by the British Guiana authorities should be regarded as an agreement for a reciprocal exemption from income tax in the cases referred to.

I have the honour to be, Sir,

Your obedient servant,

J. E. READ,

*For the Secretary of State  
for External Affairs.*



## II

*The High Commissioner for the United Kingdom in Canada  
to the Secretary of State for External Affairs of Canada*

OFFICE OF THE HIGH COMMISSIONER FOR THE UNITED KINGDOM

OTTAWA, September 3rd, 1943.

No. 77

Sir,

I have the honour to refer to your Note No. 36 of the 7th July relative to the exemption from Canadian income tax of shipping companies resident in British Guiana. I have now been asked by the Governor of British Guiana to convey to the Canadian Government his acceptance of the reciprocal arrangements for exemption from income tax as set forth in your Note under reference.

2. In accordance with your suggestion, it is agreed that your Note together with this reply should constitute an agreement for the reciprocal exemption from income tax of shipping companies resident in Canada and British Guiana.

I have the honour to be, Sir,

Your most obedient servant,

MALCOLM MACDONALD.

Canada External Affairs  
CANADA

TREATY SERIES, 1943

No. 8

EXCHANGE OF NOTES

(July 15 and 16, 1943)

BETWEEN

CANADA

AND

THE UNITED KINGDOM

RECORDING ARRANGEMENTS FOR  
ESTABLISHING A CANADIAN GOVERNMENT  
TRANS-ATLANTIC AIR SERVICE

In force July 15, 1943



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AND THE UNITED KINGDOM RECORDING ARRANGEMENTS  
FOR ESTABLISHING A CANADIAN GOVERNMENT TRANS-  
ATLANTIC AIR SERVICE.**

I

*The Secretary of State for Dominion Affairs  
to the High Commissioner for Canada*

DOMINIONS OFFICE

LONDON, 15th July, 1943.

My dear High Commissioner,

With reference to conversations in London between officials of His Majesty's Government in Canada and His Majesty's Government in the United Kingdom concerning the proposed establishment of a Canadian Government Trans-Atlantic Air Service on a wartime basis, I have the honour to inform you that:—

(1) His Majesty's Government in the United Kingdom will afford all assistance to His Majesty's Government in Canada for establishing a trans-Atlantic air service for war purposes.

(2) The arrangements will apply for the duration of the war and six months thereafter.

(3) The service will not be a commercial or permanent one. Only Service or other official traffic (passengers, mail and freight), will be carried, including troop mail. The service is primarily for Canadian traffic directly connected with the Canadian war effort but it is hoped that there may be some interchange of traffic on a limited scale, i.e., the Canadian authorities would agree to carry a small amount of urgent United Kingdom traffic when capacity is not available on United Kingdom services and *vice versa*.

(4) The service will be operated by Trans-Canada Air Lines as agents of the Canadian Government. The aircraft used initially will be a "Lancaster"; this will be replaced at a later date by Canadian aircraft.

(5) The route will be as agreed and between terminals in Canada and the United Kingdom as agreed. It is understood that the Canadian Government will seek the consent of the Newfoundland Government so far as Newfoundland is concerned.

(6) Transport Command, Royal Air Force, provide meteorological and radio facilities and control organization for the North Atlantic route. When in the areas under the jurisdiction of Transport Command, Canadian aircraft will be subject to their control arrangements. A Canadian liaison officer may be stationed with Transport Command at the terminals in the United Kingdom and Canada.

2. I understand that the Canadian Government have communicated with the Newfoundland Government and the Government of Eire.

Yours sincerely,

C. R. ATTLEE.



## II

*The High Commissioner for Canada  
to the Secretary of State for Dominion Affairs*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

LONDON, 16th July, 1943.

My dear Secretary of State,

I have the honour to inform you that the Canadian Government considers as most satisfactory the arrangements set forth in your note of July 15th regarding the establishment of a Canadian Trans-Atlantic Air Service on a war-time basis.

The Canadian Government has been in communication with the Governments of Newfoundland and Eire on this subject.

Yours sincerely,

VINCENT MASSEY.

CANADA

TREATY SERIES, 1943

No. 9

EXCHANGE OF NOTES

(July 19 and 30, 1943)

BETWEEN

CANADA AND NEWFOUNDLAND

RECORDING ARRANGEMENTS FOR

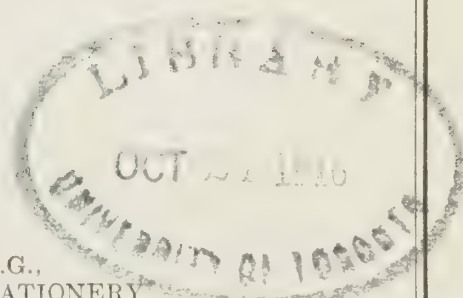
ESTABLISHING

A CANADIAN GOVERNMENT  
TRANS-ATLANTIC AIR SERVICE

In Force July 30, 1943



OTTAWA  
EDMOND CLOUTIER, B.A., L.Ph., C.M.G.,  
KING'S PRINTER AND CONTROLLER OF STATIONERY  
1946







CANADA

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TREATY SERIES, 1943

No. 9

EXCHANGE OF NOTES

(July 19 and 30, 1943)

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CANADA AND NEWFOUNDLAND

RECORDING ARRANGEMENTS FOR

ESTABLISHING

A CANADIAN GOVERNMENT  
TRANS-ATLANTIC AIR SERVICE

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In Force July 30, 1943



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AND NEWFOUNDLAND RECORDING ARRANGEMENTS FOR  
ESTABLISHING A CANADIAN GOVERNMENT TRANSATLANTIC  
AIR SERVICE.**

I

*The High Commissioner for Canada in Newfoundland  
to the Commissioner for Public Utilities of Newfoundland*

ST. JOHN'S, Newfoundland, July 19, 1943.

No. 72A

SIR,

I have the honour to enclose an exchange of notes of July 15 and July 16, 1943\*, between the Canadian and United Kingdom Governments concerning the proposed establishment of a Canadian government transatlantic air service on a wartime basis. You will note that following conversations in London the United Kingdom government state that they will afford all assistance to the Canadian government for establishing a transatlantic air service for war purposes and that the arrangements will apply for the duration of the war and six months thereafter. The Canadian government would be grateful if the Newfoundland government would be good enough to grant permission for this service to take off from, land on and fly over Newfoundland for the duration of the war and six months thereafter.

Yours faithfully,

C. J. BURCHELL,  
*High Commissioner for Canada*

II

*The Commissioner for Public Utilities of Newfoundland  
to the High Commissioner for Canada*

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, Newfoundland, 30th July, 1943.

SIR,

With reference to your note No. 72A of 19th July, 1943, I have the honour to inform you that the Newfoundland Government is glad to concur, so far as Newfoundland is concerned, with the arrangements set forth in the exchange of notes of July 15th, 1943 and July 16th, 1943, between the United Kingdom and Canadian Governments concerning the establishing of a Canadian Government transatlantic air service on a wartime basis. The Newfoundland Government herewith grants permission for the aircraft on this service to take off from, land on and fly over Newfoundland for the duration of the war and six months thereafter.

Yours faithfully,

W. W. WOODS,  
*Commissioner for Public Utilities.*

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\* For the text of these notes see *Treaty Series* 1943, No. 8.





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Canada External Affairs 1943

(CANADA)

TREATY SERIES, 1943

No. 10

EXCHANGE OF NOTES

(July 19, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

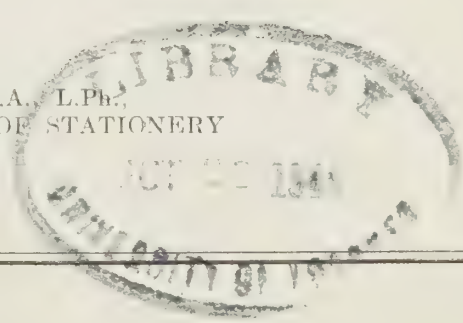
RECORDING AN AGREEMENT

REGARDING THE NAME  
OF THE ALASKA HIGHWAY

—  
In Force July 19, 1943



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CANADA

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TREATY SERIES, 1943

No. 10

EXCHANGE OF NOTES

(July 19, 1943)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

REGARDING THE NAME  
OF THE ALASKA HIGHWAY

---

In Force July 19, 1943



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THE UNITED STATES OF AMERICA RECORDING AN AGREE-  
MENT REGARDING THE NAME OF THE ALASKA HIGHWAY.**

**I**

*The Secretary of State of the United States to the Canadian Minister*

DEPARTMENT OF STATE

WASHINGTON, July 19, 1943.

SIR:

I have the honor to inform you that the Honorable Anthony J. Dimond, Delegate of Alaska, United States House of Representatives, has proposed that the highway from Dawson Creek, British Columbia, to Fairbanks, Alaska, be given the official name "Alaska Highway".

The Government of the United States believes that the name suggested by Mr. Dimond is suitable and in harmony with popular usage. It is of the further opinion that the highway should be jointly named by the Governments of the United States and Canada in view of the location of the greater part of the highway within Canada and in view of the friendly cooperation which has made possible its construction.

In accordance with the foregoing, I have the honor to propose that the highway from Dawson Creek, British Columbia, to Fairbanks, Alaska, be designated the "Alaska Highway". If the Canadian Government is agreeable to this proposal, it is suggested that this note and your reply in that sense shall be considered as placing on record the agreement of the two Governments in this matter.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

**II**

*The Canadian Minister to the Secretary of State of the United States*

CANADIAN LEGATION

WASHINGTON, July 19, 1943.

No. 377

SIR:

I have the honour to inform you that the Government of Canada concurs in the proposal, contained in your note of July 19, 1943, that the highway from Dawson Creek, British Columbia to Fairbanks, Alaska be given the official name "Alaska Highway".

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON MCCARTHY.





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CANADA

TREATY SERIES, 1943

No. 11

EXCHANGE OF NOTES

(August 6 and 9, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

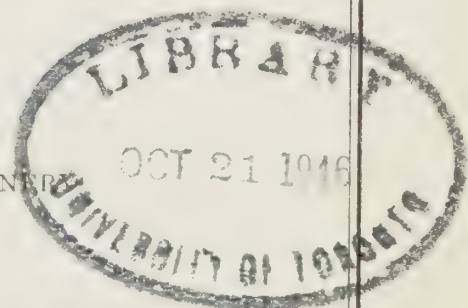
RECORDING ARRANGEMENTS

FOR THE EXEMPTION FROM  
PROVINCIAL AND MUNICIPAL TAXATION  
OF UNITED STATES DEFENCE PROJECTS  
IN CANADA

In force August 9, 1943



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TREATY SERIES, 1943

No. 11

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(August 6 and 9, 1943)

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CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING ARRANGEMENTS

FOR THE EXEMPTION FROM  
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IN CANADA

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In force August 9, 1943



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AND THE UNITED STATES OF AMERICA RECORDING ARRANGE-  
MENTS FOR THE EXEMPTION FROM PROVINCIAL AND  
MUNICIPAL TAXATION OF UNITED STATES DEFENCE PROJECTS  
IN CANADA.

I

*The Secretary of State for External Affairs of Canada  
to the United States Minister*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, August 6th, 1943.

No. 91

SIR,

I have the honour to refer to your note No. 859 of March 23rd and to your subsequent note No. 902 of May 29th, concerning the possibility of exempting from Provincial and municipal taxation the United States Government and United States contractors engaged on the Alaska Highway and other United States defence projects in Canada. The Canadian Government is anxious to reach a settlement of this question which is fair to all parties concerned and which is in keeping with the spirit of mutual helpfulness which has animated both Governments with regard to the defence projects.

2. In the view of the Canadian Government the United States Government itself cannot be effectively taxed by Provincial or municipal authorities. If in any instance an attempt is made by those authorities to tax the United States Government either in respect of real property which it owns or of which it is a lessee, or in respect of licence fees on motor vehicles owned by the United States Government, the Canadian Government will intervene in the legal proceedings and request the Court to accord appropriate immunities. Should the Court hold, contrary to the expectations of the Canadian Government, that the United States Government is legally liable to pay such taxes or licence fees, the Canadian Government will, as a contribution to the general costs of the defence projects, reimburse the United States Government for any Provincial or municipal taxes levied in respect of such projects which the United States Government had been held to pay and had paid.

3. In order to keep the record clear it might be well to point out that the Canadian Government does not consider that any exemption from municipal taxation would be appropriate in the case of owners of property who have leased it to the United States Government. In cases in which improvements have been made on property so leased, assessments will normally be made against the owner who is legally bound to pay the taxes exactly as he would be if the lessee were the Canadian and not the United States Government.

4. United States contractors employed by the United States Government on its military projects in Canada are, of course, legally bound to pay whatever municipal taxes may be assessed against them as owners or lease-holders of property and whatever municipal fees may be charged for building permits in connection with these lands. The Canadian Government will undertake to



refund to the United States Government any amounts which that Government may pay to United States contractors in respect of this taxation. Any such payments made by the Canadian Government will form part of its contribution to the cost of the defence projects.

5. The Canadian Government will also reimburse the United States Government for any payments which it may have to make to United States contractors in respect of licence fees for motor vehicles employed on the United States defence projects in Canada. Any such payments made by the Canadian Government will form part of its contribution to the cost of the defence projects.

6. The Governments of the Provinces in which United States projects are being executed will be requested by the Government of Canada not to impose licence fees on non-military drivers of trucks belonging to the United States Army and not to levy head or poll taxes upon non-military personnel normally resident in the United States which is engaged on United States military projects in Canada. It appears that in the Province of Alberta the poll tax is devoted to educational purposes and the exemption of United States non-military personnel from this tax will carry with it a liability to pay school fees should any of the United States personnel wish to send their children to public schools in the province.

7. I should be glad to receive your assurance that these proposals for dealing with the problem of the burden of Provincial and municipal taxation on United States defence projects in Canada will meet the wishes of the United States Government.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State for External Affairs.*

## II

*The United States Minister to the Secretary of State for External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, Canada, August 9, 1943.

No. 2.

SIR:

I have the honor to acknowledge the receipt of your note No. 91 of August 6, 1943, concerning Provincial and municipal taxation levied upon the United States Government, the United States contractors engaged on the Alaska Highway, and other United States defence projects in Canada, and to confirm that the proposals outlined in your note for dealing with the problem meet with the wishes of the United States Government.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

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Canada External Affairs 820

(CANADA)

TREATY SERIES, 1943

No. 12

EXCHANGE OF NOTES

(May 25 and 26, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

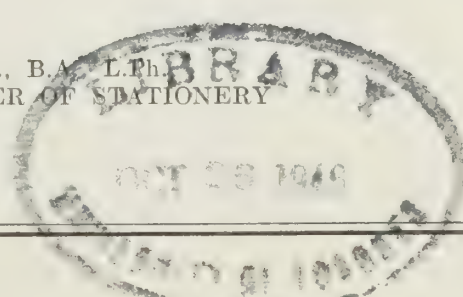
RECORDING AN AGREEMENT

FOR THE WAIVER OF CLAIMS ARISING FROM  
COLLISIONS BETWEEN VESSELS OF WAR

IN FORCE MAY 26, 1943



OTTAWA  
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TREATY SERIES, 1943

No. 12

EXCHANGE OF NOTES

(May 25 and 26, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT

FOR THE WAIVER OF CLAIMS ARISING FROM  
COLLISIONS BETWEEN VESSELS OF WAR

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IN FORCE MAY 26, 1943



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**EXCHANGE OF NOTES (MAY 25 AND 26, 1943) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA RECORDING AN  
AGREEMENT FOR THE WAIVER OF CLAIMS  
ARISING FROM COLLISIONS BETWEEN  
VESSELS OF WAR.**

**I**

*The Secretary of State of the United States  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, May 25, 1943.

Sir:

With reference to recent communications between the Government of the United States of America and the Government of Canada in relation to the making of an agreement between the two Governments providing that each Government shall bear the cost of damages to its own vessels arising from collisions between United States warships and ships of the Royal Canadian Navy, I have the honor to inform you that the Government of the United States of America, with a view to facilitating the conduct of the war, is prepared to give effect to an agreement in the following terms:

**ARTICLE I**

The Government of the United States of America and the Government of Canada agree that when a vessel of war of either Government shall collide with a vessel of war of the other Government, resulting in damage to either or both of such vessels, each Government shall bear all the expenses which arise directly or indirectly from the damage to its own vessel, and neither Government shall make any claim against the other Government on account of such damage or expenses.

**ARTICLE II**

This agreement shall apply in respect of claims arising since December 7, 1941, but remaining unsettled on the day this Agreement enters into force, as well as in respect of claims arising on or after such day and during the period in which the Agreement shall remain in force.

**ARTICLE III**

This Agreement shall remain in force until the expiration of six months from the day on which either Government shall have given to the other Government notice in writing of an intention to terminate the Agreement.

I have the honor to inform you that if an Agreement in accordance with the foregoing terms is acceptable to the Government of Canada, the agreement shall be considered by the Government of the United States of America to have been concluded and to be in effect as of the date of a corresponding note from you indicating that the Government of Canada is prepared to give effect to the Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

**CORDELL HULL.**



## II

*The Canadian Minister to the United States  
to the Secretary of State of the United States*

CANADIAN LEGATION

WASHINGTON, May 26, 1943.

No. 276

Sir,

I have the honour to refer to your note of May 25, 1943 proposing an agreement which the Government of the United States is prepared to make with the Government of Canada for the waiver of claims arising as a result of collisions between ships of the Royal Canadian Navy and United States warships.

Under instructions from my Government I have the honour to inform you in reply that the Canadian Government undertakes to give effect to the agreement set forth in your note and understands that the agreement will come into force as of the date of this note; namely, May 26, 1943.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.

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Canada. External Affairs, Sept. 1.

(CANADA)

TREATY SERIES, 1943

No. 13

EXCHANGE OF NOTES

(May 24 and August 13, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

IN RESPECT OF THE EXERCISE  
OF JURISDICTION OVER PRIZES  
CAPTURED ON THE HIGH SEAS

TOGETHER WITH

ORDER IN COUNCIL AND PROCLAMATION



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No. 13

EXCHANGE OF NOTES

(May 24 and August 13, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

IN RESPECT OF THE EXERCISE  
OF JURISDICTION OVER PRIZES  
CAPTURED ON THE HIGH SEAS

TOGETHER WITH

ORDER IN COUNCIL AND PROCLAMATION



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**EXCHANGE OF NOTES (MAY 24 AND AUGUST 13, 1943) BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA CONSTITUTING  
AN AGREEMENT IN RESPECT OF THE EXERCISE OF JURISDIC-  
TION OVER PRIZES CAPTURED ON THE HIGH SEAS, TOGETHER  
WITH ORDER IN COUNCIL AND PROCLAMATION.**

**I**

*The Secretary of State of the United States  
to the Canadian Minister at Washington*

DEPARTMENT OF STATE

Washington, May 24, 1943.

Sir:

Reference is made to the Legation's memorandum of April 15, 1943<sup>1</sup> stating that the Canadian Government would be glad to make an arrangement with the Government of the United States concerning the exercise by either country in the territorial waters of the other of jurisdiction in cases of prize. Reference was made to the arrangement with the United Kingdom referred to in the President's Proclamation No. 2575 of January 30, 1943.<sup>2</sup>

Public Law 704—77th Congress, an Act to facilitate the disposition of prizes captured by the United States during the present war, and for other purposes, was approved on August 18, 1942. A copy of the Act is enclosed.<sup>3</sup>

It will be perceived from section 3 of the Act that jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised under the authority of the Act, nor shall prizes be taken or appropriated within such territorial waters for the use of the United States, unless the Government having jurisdiction over such territorial waters consents thereto. It is therefore suggested that your Government notify me of its consent to the exercise of such authority within its territorial waters as well as of its acquiescence in the exercise in Canada by special prize commissioners of the duties prescribed for them in cases arising under the Act referred to. In this connection your attention is called to section 5 of the Act. It will be noted therefrom that the district courts of the United States may confer on such special commissioners such powers and duties, in addition to those already prescribed for prize commissioners, as may be deemed necessary or proper for carrying out the purposes of the Act. The duties of prize commissioners are set out in Title 34, U.S.C., Section 1138, which reads as follows:

“Par. 1138. Duties of prize commissioners. The prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master required by section 1134 of this title, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested without

<sup>1</sup> Not printed.

<sup>2</sup> United States Executive Agreement Series 393, p. 4.

<sup>3</sup> See 56 Statutes of the United States 746.



special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions *de bene esse* of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken *de bene esse*, and their own inventory of the prize property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy."

Upon receipt from the Canadian Government of the consent required by section 3 of the Act, this Government will take appropriate measures in accordance with section 7 of the Act to confer reciprocal privileges with respect to prizes upon the Canadian Government.

Accept, Sir, the renewed assurances of my highest consideration.

*For the Secretary of State:*

BRECKINRIDGE LONG.

## II

### *The Canadian Chargé d'Affaires ad interim to the Secretary of State*

#### CANADIAN LEGATION

Washington, August 13, 1943.

No. 423 .

Sir,

I have the honour to refer to your Note of May 24, 1943, concerning a proposed arrangement between the Governments of Canada and the United States in respect of the exercise by either country in the territorial waters of the other of jurisdiction in cases of prize.

Under instructions from my Government I am now enclosing herewith copies of an Order in Council, P.C. 6092, dated August 3, 1943, authorizing the exercise of original jurisdiction by District Courts of the United States in regard to prizes captured on the high seas. It is understood that in view of this action on the part of the Government of Canada, a proclamation will now be issued by the President of the United States, conferring a like jurisdiction on the appropriate Canadian Courts.

Accept, Sir, the renewed assurance of my highest consideration.

MERCHANT MAHONEY,  
*Chargé d'Affaires.*

## APPENDIX I

**ORDER IN COUNCIL AUTHORIZING THE EXERCISE OF ORIGINAL JURISDICTION BY DISTRICT COURTS OF THE UNITED STATES OF AMERICA OVER PRIZES CAPTURED ON THE HIGH SEAS**

P.C. 6092

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 3rd day of August, 1943

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Defence for Naval Service reports:

(a) That by United States of America Public Law 704, 77th Congress, entitled "An Act to Facilitate the Disposition of Prizes Captured by the United States During the Present War, and for Other Purposes", the District Courts of the said United States are given original jurisdiction of all sizes captured during the present war on the high seas if said capture is made by authority of the said United States or is adopted and ratified by the President thereof and the prize is brought into the territorial waters of a cobelligerent or is taken or appropriated for the use of the United States on the high seas or in such territorial waters, including jurisdiction of all proceedings for the condemnation of such property taken as a prize.

(b) Section 3 of the said Act provides that the said jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised, nor shall prizes be taken or appropriated within such territorial waters for the use of the said United States unless the Government having jurisdiction over such territorial waters consents to the exercise of such jurisdiction or to such taking or appropriation.

(c) Section 7 of the said Act provides that a cobelligerent, which consents to the exercise of the said jurisdiction with respect to prizes of the said United States brought into its territorial waters and to the taking or appropriation of such prizes within its territorial waters for the use of the said United States, shall be accorded, upon Proclamation by the President, like privileges with respect to prizes captured under authority of such cobelligerent and brought into the territorial waters of the said United States or taken or appropriated in such territorial waters for the use of such cobelligerent and that reciprocal recognition and full faith and credit shall be given to the jurisdiction acquired by Courts of a cobelligerent thereunder and to all proceedings had or judgments rendered in the exercise of such jurisdiction.

(d) The Government of the United Kingdom, a cobelligerent, has consented to the exercise of this jurisdiction with respect to prizes of the United States of America brought in, taken or appropriated within the territorial waters of the United Kingdom and Sierra Leone and the United States Government by a proclamation of the President of the United States dated 30th January, 1943, has accorded the United Kingdom Government like privileges with respect to the prizes captured under the authority of the said Government and brought in, taken or appropriated in the territorial waters of the said United States.



(e) By Order in Council P.C. 2489 of September 5, 1939, the Exchequer Court of Canada on its Admiralty side is constituted and established a Prize Court and is thereby authorized and required to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods.

(f) It is expedient and desirable, in view of the close coordination of effort in respect of maritime warfare that exists between the United States of America and Canada that the Dominion of Canada should enter into a reciprocal arrangement with the said United States regarding jurisdiction of all prizes brought into the territorial waters of the other or taken or appropriated for their use in such territorial waters.

(g) The Under-Secretary of State for External Affairs reports that the Secretary of State of the United States has given assurance that, upon receipt of the consent of the Government of Canada, as required by Sec. 3 of the Act above referred to, the said United States will take appropriate measures in accordance with Sec. 7 of the said Act to confer reciprocal privileges with respect to prizes upon the Government of Canada.

(h) The Chief of Naval Staff and the Deputy Minister for Naval Services report that it would tend to the best interests of the Naval Service if such a reciprocal arrangement were entered into.

2. THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services, concurred in by the Secretary of State for External Affairs and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other statute, order or regulation, is pleased to consent to and doth hereby consent to and authorize the exercise of original jurisdiction by the District Courts of the United States of America of all prizes captured during the present war on the high seas if said capture was made by authority of the said United States or was adopted and ratified by the President of the said United States and the prize was brought into the territorial waters of Canada or was taken or appropriated for the use of the said United States on the high seas or in such territorial waters including the jurisdiction of all proceedings for the condemnation of such property taken as prize.

A. D. P. HEENEY,  
*Clerk of the Privy Council.*



## APPENDIX II

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

## CAPTURE OF PRIZES

WHEREAS the act of August 18, 1942, 56 Stat. 746, contains in part the following provisions:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district courts shall have original jurisdiction of all prizes captured during the present war on the high seas if said capture was made by authority of the United States or was adopted and ratified by the President of the United States and the prize was brought into the territorial waters of a cobelligerent or was taken or appropriated for the use of the United States on the high seas or in such territorial waters, including jurisdiction of all proceedings for the condemnation of such property taken as prize.*

\* \* \* \*

"Sec. 3. The jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised under authority of this Act, nor shall prizes be taken or appropriated within such territorial waters for the use of the United States, unless the government having jurisdiction over such territorial waters consents to the exercise of such jurisdiction or to such taking or appropriation.

\* \* \* \*

"Sec. 7. A cobelligerent of the United States which consents to the exercise of the jurisdiction herein conferred with respect to prizes of the United States brought into its territorial waters and to the taking or appropriation of such prizes within its territorial waters for the use of the United States shall be accorded, upon proclamation by the President of the United States, like privileges with respect to prizes captured under authority of such cobelligerent and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of such cobelligerent. Reciprocal recognition and full faith and credit shall be given to the jurisdiction acquired by courts of a cobelligerent hereunder and to all proceedings had or judgments rendered in exercise of such jurisdiction."

WHEREAS the Government of Canada, a cobelligerent, has consented to the exercise of the jurisdiction conferred by the said act with respect to prizes of the United States brought into the territorial waters of Canada and to the taking or appropriation of such prizes within the territorial waters of Canada for the use of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of August 18, 1942, do proclaim that the Government of Canada shall be accorded like privileges with respect to prizes captured under authority of the said Government and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of the said Government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of September, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

(SEAL)

FRANKLIN D. ROOSEVELT.

*By the President:*

ADOLF A. BERLE, JR.,  
*Acting Secretary of State.*

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Canada External Affairs 5011  
CANADA

TREATY SERIES, 1943

No. 14

EXCHANGE OF NOTES

(27th August and 27th October 1943)

BETWEEN

CANADA

AND

THE UNITED KINGDOM

RECORDING AN AGREEMENT

FOR THE WAIVER OF CLAIMS ARISING FROM  
COLLISIONS BETWEEN VESSELS OF WAR

In force October 27, 1943

Retroactive to April 1, 1943



OTTAWA  
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,  
KING'S PRINTER AND CONTROLLER OF STATIONERY  
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CANADA

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**EXCHANGE OF NOTES (27th AUGUST AND 27th OCTOBER 1943)  
BETWEEN CANADA AND THE UNITED KINGDOM RECORDING AN  
AGREEMENT FOR THE WAIVER OF CLAIMS ARISING FROM  
COLLISIONS BETWEEN VESSELS OF WAR.**

**I**

*The Secretary of State for Dominion Affairs  
to the High Commissioner for Canada in the United Kingdom*

DOMINIONS OFFICE

London, 27th August, 1943.

My dear High Commissioner,

The Government of the United Kingdom are prepared to enter into an Agreement with the Government of Canada with regard to the settlement of claims arising out of collisions involving Naval vessels of the two Governments in the following terms:—

- (a) The agreement would cover all naval vessels of the two Governments, including not only warships but also non-commissioned auxiliary Naval vessels, for which either Government is respectively financially responsible.
- (b) The Agreement would apply to collisions taking place in any part of the world on or after the 1st April, 1943, which involved a United Kingdom Naval vessel and a Canadian Naval vessel.
- (c) Neither Government shall make any claim against the other for any form of damage arising out of a collision to which this Agreement applies.
- (d) Neither Government shall make any claim against the other Government in respect of the death of or injury to a member of the Naval Forces of the United Kingdom or of Canada caused by a collision to which Agreement applies.
- (e) The provisions of this Agreement relate only to claims of one Government against the other and would not apply to claims between either Government and private interests.

I shall be glad if you will inform me whether the Government of Canada agree to an arrangement on this basis. If so, this letter and your reply to that effect could be regarded as constituting an agreement between our two Governments which would continue in force in respect of all collisions which may occur prior to the expiration of three months from the date on which either of the two Governments shall have given notice to the other of its intention to terminate the Agreement.

C. R. ATTLEE.

## II

*The High Commissioner for Canada in the United Kingdom  
to the Secretary of State for Dominion Affairs*

HIGH COMMISSIONER'S OFFICE

London, 27th October, 1943.

My dear Secretary of State,

With reference to your predecessor's letter of the 27th August, making proposals for the settlement of claims arising out of collisions between vessels of the Royal Navy and Royal Canadian Navy, I am now informed that an Order in Council No. P.C. 74/7895 of the 13th October 1943, has been passed under which the Government of Canada are prepared to enter into an Agreement with the Government of the United Kingdom in the following terms:—

- (a) The agreement would cover all Naval vessels of the two Governments, including not only warships but also non-commissioned auxiliary Naval vessels, for which either Government is respectively financially responsible.
- (b) The Agreement would apply to collisions taking place in any part of the world on or after the 1st April, 1943, which involved a United Kingdom vessel and a Canadian Naval vessel.
- (c) Neither Government shall make any claim against the other for any form of damage arising out of a collision to which this Agreement applies.
- (d) Neither Government shall make any claim against the other Government in respect of the death of or injury to a member of the Naval Forces of the United Kingdom or of Canada caused by a collision to which Agreement applies.
- (e) The provisions of this Agreement relate only to claims of one Government against the other and would not apply to claims between either Government and private interests.

Mr. Attlee suggested that his letter and my reply could be regarded as constituting an agreement between our two Governments which would continue in force in respect of all collisions which may occur prior to the expiration of three months from the date on which either of the two Governments shall have given notice to the other of its intention to terminate the Agreement, and for our part this will be quite acceptable.

VINCENT MASSEY.

Doc  
an  
Canada Extension Office  
(CANADA)

TREATY SERIES, 1943

No. 15

EXCHANGE OF NOTES

(October 5 and 11, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

EXTENDING TO OCTOBER 1, 1944 THE  
AGREEMENT FOR THE TEMPORARY  
RAISING OF THE LEVEL OF LAKE  
ST. FRANCIS OF NOVEMBER 10, 1941

—  
In Force October 1, 1943



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**EXCHANGE OF NOTES (OCTOBER 5 AND 11, 1943) BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA PROVIDING FOR THE  
EXTENSION TO OCTOBER 1, 1944, OF THE AGREEMENT FOR  
THE TEMPORARY RAISING OF THE LEVEL OF LAKE ST. FRANCIS  
OF NOVEMBER 10, 1941.**

I

*The Canadian Minister to the United States  
to the Secretary of State of the United States*

CANADIAN LEGATION

Washington, October 5, 1943.

No. 516.

Sir,

I have the honour, on the instructions of my Government, to refer to the exchange of notes of November 10th, 1941, whereby the Government of the United States of America agreed to a temporary raising of the levels of Lake St. Francis during low water periods for the reasons and subject to the conditions and limitations set forth in the Notes. By an exchange of notes of October 5th and 9th, 1942, the arrangements made on November 10th, 1941 were continued until October 1st, 1943.

The circumstances which led the Government of the United States to agree to the temporary raising of the levels of Lake St. Francis have continued and, in view of the importance to both Canada and the United States of America of the conservation of the power supply in this area, the Canadian Government proposes that the arrangements set forth in the exchange of Notes should be continued until October 1st, 1944. The arrangements as continued would, of course, be subject to all of the conditions and limitations as contained in the exchange of Notes of November 10th, 1941.

Accept, Sir, the renewed assurance of my highest consideration.

L. B. PEARSON,  
*For the Minister.*

II

*The Secretary of State of the United States  
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

Washington, October 11, 1943.

Sir:

I have the honor to acknowledge the receipt of your note of October 5, 1943, concerning the arrangements effected through an exchange of notes on November 10, 1941, with respect to a temporary raising of the levels of Lake St. Francis during low water periods and to inform you that this Government is agreeable to your Government's proposal that these arrangements should be continued until October 1, 1944, subject, of course, to all of the conditions and limitations contained in the Notes exchanged on November 10, 1941.

Accept, Sir, the renewed assurances of my highest consideration.

*For the Secretary of State:*  
A. A. BERLE, Jr.



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Canada External Affairs Dept

CANADA

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TREATY SERIES, 1943

No. 16

AGREEMENT

FOR

UNITED NATIONS RELIEF AND  
REHABILITATION ADMINISTRATION

Signed in Washington, November 9, 1943

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In Force November 9, 1943



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# AGREEMENT FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

Signed in Washington, November 9, 1943

The Governments or Authorities whose duly authorized representatives have subscribed hereto,

Being United Nations or being associated with the United Nations in this war,

Being determined that immediately upon the liberation of any area by the armed forces of the United Nations or as a consequence of retreat of the enemy the population thereof shall receive aid and relief from their sufferings, food, clothing and shelter, aid in the prevention of pestilence and in the recovery of the health of the people, and that preparation and arrangements shall be made for the return of prisoners and exiles to their homes and for assistance in the resumption of urgently needed agricultural and industrial production and the restoration of essential services,

Have agreed as follows:

## ARTICLE I

There is hereby established the United Nations Relief and Rehabilitation Administration.

1. The Administration shall have power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create agencies and to review the activities of agencies so created, to manage undertakings and in general to perform any legal act appropriate to its objects and purposes.

2. Subject to the provision of Article VII, the purposes and functions of the Administration shall be as follows:

- (a) To plan, co-ordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. The form of activities of the Administration within the territory of a member government wherein that government exercises administrative authority and the responsibility to be assumed by the member government for carrying out measures planned by the Administration therein shall be determined after consultation with and with the consent of the member government.
- (b) To formulate and recommend measures for individual or joint action by any or all of the member governments for the co-ordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of availability supplies. The Administration may administer such co-ordination measures as may be authorized by the member governments concerned.

- (c) To study, formulate and recommend for individual or joint action by any or all of the member governments measures with respect to such related matters, arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. Such proposals shall be studied and recommendations formulated if the proposals are supported by a vote of the Council, and the recommendations shall be referred to any or all of the member governments for individual or joint action if approved by unanimous vote of the Central Committee and by vote of the Council.

## ARTICLE II

### *Membership*

The members of the United Nations Relief and Rehabilitation Administration shall be the governments or authorities signatory hereto and such other governments or authorities as may upon application for membership be admitted thereto by action of the Council. The Council may, if it desires, authorize the Central Committee to accept new members between sessions of the Council.

Wherever the term "member government" is used in this Agreement it shall be construed to mean a member of the Administration whether a government or an authority.

## ARTICLE III

### *The Council*

1. Each member government shall name one representative, and such alternates as may be necessary, upon the Council of the United Nations Relief and Rehabilitation Administration, which shall be the policy-making body of the Administration. The Council shall, for each of its sessions, select one of its members to preside at the session. The Council shall determine its own rules of procedure. Unless otherwise provided by the Agreement or by action of the Council, the Council shall vote by simple majority.

2. The Council shall be convened in regular session not less than twice a year by the Central Committee. It may be convened in special session whenever the Central Committee shall deem necessary, and shall be convened within thirty days after request therefor by one-third of the members of the Council.

3. The Central Committee of the Council shall consist of the representatives of China, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America, with the Director General presiding, without vote. Between sessions of the Council it shall, when necessary, make policy decisions of an emergency nature. All such decisions shall be recorded in the minutes of the Central Committee which shall be communicated promptly to each member government. Such decisions shall be open to reconsideration by the Council at any regular session or at any special session called in accordance with Article III, paragraph 2. The Central Committee shall invite the participation of the representatives of any member government at those of its meetings at which action of special interest to such government is discussed. It shall invite the participation of the representative serving as Chairman of the Committee on Supplies of the Council at those of its meetings at which policies affecting the provision of supplies are discussed.

4. The Committee on Supplies of the Council shall consist of the members of the Council, or their alternates, representing those member governments likely to be principal suppliers of materials for relief and rehabilitation. The members



shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. The Committee on Supplies shall consider, formulate and recommend to the Council and the Central Committee policies designed to assure the provision of required supplies. The Central Committee shall from time to time meet with the Committee on Supplies to review policy matters affecting supplies.

5. The Committee of the Council for Europe shall consist of all the members of the Council, or their alternates, representing member governments of territories within the European area, and such other members of the Council, representing other governments directly concerned with the problems of relief and rehabilitation in the European area, as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The Committee of the Council for the Far East shall consist of all the members of the Council, or their alternates, representing member governments of territories within the Far Eastern area, and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the Far Eastern area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The regional committees shall normally meet within their respective areas. They shall consider and recommend to the Council and the Central Committee policies with respect to relief and rehabilitation within their respective areas. The Committee of the Council for Europe shall replace the Inter-Allied Committee on European post-war relief established in London on September 24, 1941, and the records of the latter shall be made available to the Committee for Europe.

6. The Council shall establish such other standing regional committees as it shall consider desirable, the functions of such committees and the method of appointing their members being identical to that provided in Article III, paragraph 5, with respect to the Committees of the Council for Europe and for the Far East. The Council shall also establish such other standing committees as it considers desirable to advise it, and, in intervals between sessions of the Council, to advise the Central Committee. For such standing technical committees as may be established, in respect of particular problems such as nutrition, health, agriculture, transport, repatriation and finance, the members may be members of the Council or alternates nominated by them because of special competence in their respective fields of work. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. Should a regional committee so desire, sub-committees of the standing technical committees shall be established by the technical committees in consultation with the regional committees, to advise the regional committees.

7. The travel and other expenses of members of the Council and of members of its committees shall be borne by the governments which they represent.

8. All reports and recommendations of committees of the Council shall be transmitted to the Director General for distribution to the Council and the Central Committee by the secretariat of the Council established under the provisions of Article IV, paragraph 4.



## ARTICLE IV

*The Director General*

1. The executive authority of the United Nations Relief and Rehabilitation Administration shall be in the Director General, who shall be appointed by the Council on the nomination by unanimous vote of the Central Committee. The Director General may be removed by the Council on recommendation by unanimous vote of the Central Committee.

2. The Director General shall have full power and authority for carrying out relief operations contemplated by Article I, paragraph 2 (a), within the limits of available resources and the broad policies determined by the Council or its Central Committee. Immediately upon taking office he shall, in conjunction with the military and other appropriate authorities of the United Nations, prepare plans for the emergency relief of the civilian population in any area occupied by the armed forces of any of the United Nations, arrange for the procurement and assembly of the necessary supplies and create or select the emergency organization required for this purpose. In arranging for the procurement, transportation, and distribution of supplies and services, he and his representatives shall consult and collaborate with the appropriate authorities of the United Nations and shall, wherever practicable, use the facilities made available by such authorities. Foreign voluntary relief agencies may not engage in activity in any area receiving relief from the Administration without the consent and unless subject to the regulation of the Director General. The powers and duties of the Director General are subject to the limitations of Article VII.

3. The Director General shall also be responsible for the organization and direction of the functions contemplated by Article I, paragraphs 2 (b) and 2 (c).

4. The Director General shall appoint such Deputy Directors General, officers, expert personnel, and staff at his headquarters and elsewhere, including field missions, as he shall find necessary, and he may delegate to them such of his powers as he may deem appropriate. The Director General, or upon his authorization the Deputy Directors General, shall supply such secretariat and other staff and facilities as shall be required by the Council and its Committees, including the regional committees and sub-committees. Such Deputy Directors General as shall be assigned special functions within a region shall attend meetings of the regional standing committee whenever possible and shall keep it advised on the progress of the relief and rehabilitation program within the region.

5. The Director General shall make periodic reports to the Central Committee, and to the Council covering the progress of the Administration's activities. The reports shall be made public except for such portions as the Central Committee may consider it necessary, in the interest of the United Nations, to keep confidential; if a report affects the interests of a member government in such a way as to render it questionable whether it should be published, such government shall have an opportunity of expressing its views on the question of publication. The Director General shall also arrange to have prepared periodic reports covering the activities of the Administration within each region, and he shall transmit such reports with his comments thereon to the Council, the Central Committee and the respective regional committees.

## ARTICLE V

*Supplies and Resources*

1. In so far as its appropriate constitutional bodies shall authorize, each member government will contribute to the support of the Administration in order to accomplish the purposes of Article I, paragraph 2 (a). The amount and character of the contributions of each member government under this provision will be determined from time to time by its appropriate constitutional bodies. All such contributions received by the Administration shall be accounted for.

2. The supplies and resources made available by the member governments shall be kept in review in relation to prospective requirements by the Director General, who shall initiate action with the member governments with a view to assuring such additional supplies and resources as may be required.

3. All purchases by any of the member governments, to be made outside their own territories during the war for relief or rehabilitation purposes, shall be made only after consultation with the Director General, and shall, so far as practicable, be carried out through the appropriate United Nations agency.

## ARTICLE VI

*Administrative Expenses*

The Director General shall submit to the Council an annual budget, and from time to time such supplementary budgets as may be required, covering the necessary administrative expenses of the Administration. Upon approval of a budget by the Council the total amount approved shall be allocated to the member Governments in proportions to be determined by the Council. Each member government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Administration promptly its share of the administrative expenses so determined.

## ARTICLE VII

Notwithstanding any other provision herein contained, while hostilities or other military necessities exist in any area, the Administration and its Director General shall not undertake activities therein without the consent of the military command of that area, and unless subject to such control as the command may find necessary. The determination that such hostilities or military necessities exist in any area shall be made by its military commander.

## ARTICLE VIII

*Amendment*

The provisions of this Agreement may be amended as follows:—

- (a) Amendments involving new obligations for member governments shall require the approval of the Council by a two-thirds vote and shall take effect for each member Government on acceptance by it;
- (b) Amendments involving modification of Article III or Article IV shall take effect on adoption by the Council by a two-thirds vote, including the votes of all the members of the Central Committee;
- (c) Other amendments shall take effect on adoption by the Council by a two-thirds vote.

## ARTICLE IX

*Entry Into Force*

This Agreement shall enter into force with respect to each signatory on the date when the Agreement is signed by that signatory, unless otherwise specified by such signatory.



## ARTICLE X

*Withdrawal*

Any member government may give notice of withdrawal from the Administration at any time after the expiration of six months from the entry into force of the Agreement for that government. Such notice shall take effect twelve months after the date of its communication to the Director General, subject to the member government having met by that time all financial, supply or other material obligations accepted or undertaken by it.

IN WITNESS WHEREOF, this Agreement is signed by the following representatives, duly authorized for that purpose by their respective Governments or Authorities.

DONE in Washington this ninth day of November, one thousand nine hundred forty-three, in the English language, the original to be deposited in the Archives of the Department of State of the United States of America, and certified copies thereof to be furnished by the Government of the United States of America to each of the Governments and Authorities on whose behalf this Agreement is signed.

FOR AUSTRALIA:

OWEN DIXON,  
*Minister for Australia*

FOR BELGIUM:

P. H. SPAAK

FOR BOLIVIA:

LUIS GUACHALLA

FOR THE UNITED STATES OF BRAZIL:

E. PENTEADO

FOR CANADA:

LEIGHTON MCCARTHY

FOR CHILE:

Este Convenio regira respecto a Chile, de acuerdo con los preceptos de su Carta Fundamental, una vez que haya sido aprobado por el Congreso Nacional y ratificado por los organismos constitucionales correspondientes de la Republica.

RODOLFO MICHELS

FOR CHINA:

T. F. TSIANG

FOR COLOMBIA:

El Plenipotenciario de Colombia firma con la salvedad de la ulterior aprobacion del Congreso Colombiano.

A. VARGAS

FOR COSTA RICA:

CARLOS M. ESCALANTE

FOR CUBA:

Este Convenio, previa la aprobacion del Senado de la Republica, sera ratificado por el Ejecutivo.

A. F. CONCHESO

FOR CZECHOSLOVAKIA:

JAN MASARYK

FOR THE DOMINICAN REPUBLIC:

JULIO VEGA BATTLE



## FOR ECUADOR:

Sujeto a ratificacion por el Congreso de la Republica del Ecuador.

S. D. BALLEÑ

## FOR EGYPT:

M. HASSAN

## FOR EL SALVADOR:

HECTOR DAVID CASTRO

## FOR ETHIOPIA:

Subject to the ratification of the Imperial Ethiopian Government.

EPHREM T. MEDHEN

## FOR THE FRENCH COMMITTEE OF NATIONAL LIBERATION:

JEAN MONNET

## FOR GREECE:

K. VARVARESSOS

## FOR GUATEMALA:

Pending the required approval by the National Asembly of Guatemala, the immediate application of this Agreement shall be considered provisional with regard to the Government of Guatemala.

ADRIAN RECINOS

## FOR HAITI:

A. LIAUTAUD

## FOR HONDURAS:

JULIAN R. CACERES

## FOR ICELAND:

MAGNUS SIGURDSSON

## FOR INDIA:

This Agreement is signed subject to a reservation under Article IX that it shall enter into force with respect to the Government of India as soon as it has been approved by the Indian Legislature.

G. S. BAJPAI

## FOR IRAN:

This Agreement shall enter into force immediately after its approval by the Iranian Chamber of Deputies.

M. SHAYESTEH

## FOR IRAQ:

Subject to ratification by the Iraqi Parliament.

ALI JAWDAT

## FOR LIBERIA:

WALTER F. WALKER

## FOR LUXEMBOURG:

PIERRE DUPONG

## FOR THE UNITED MEXICAN STATES:

Sujeto a ratificacion por el Senado de los Estados Unidos Mexicanos.

F. CASTILLO NAJERA

## FOR THE NETHERLANDS:

P. KERSTENS

## FOR NEW ZEALAND:

GEOFFREY S. COX

FOR NICARAGUA:

Ad referendum.

G. SEVILLA SACASA

FOR NORWAY:

W. MUNTHE DE MORGENSTIERNE

FOR PANAMA:

E. A. JIMENES

FOR PARAGUAY:

CELSO R. VELAZQUEZ

FOR PERU:

Bajo reserva de su ratificacion constitucional.

M. DE FREYRE

FOR THE PHILIPPINE COMMONWEALTH:

S. OSMENA

FOR POLAND:

JAN KWAPINSKI

FOR THE UNION OF SOUTH AFRICA:

RALPH W. CLOSE

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

A. GROMYKO

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

HALIFAX

FOR THE UNITED STATES OF AMERICA:

FRANKLIN D. ROOSEVELT

FOR URUGUAY:

Con la reserva de que no podra entrar en vigor con respecto al Uruguay hasta tanto se alcance la aprobacion legislativa.

J. C. BLANCO

FOR VENEZUELA:

El Plenipotenciario de Venezuela firma el presente Convenio en la inteligencia de que queda sujeto a la ratificacion de los Poderes Publicos de la Nacion, conforme al procedimiento constitucional venezolano.

DIOGENES ESCALANTE

FOR YUGOSLAVIA:

CONSTANTIN A. FOTITCH.







Canada External Affairs  
(CANADA)

TREATY SERIES, 1943

No. 17

EXCHANGE OF NOTES

(April 10, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

REGARDING

THE POST-WAR USE BY UNITED STATES  
VEHICLES OF THE ROADS LEADING  
FROM THE BOUNDARY TO  
THE ALASKA HIGHWAY

In Force April 10, 1943



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,  
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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,  
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1946



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**EXCHANGE OF NOTES (APRIL 10, 1943) BETWEEN CANADA AND  
THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT  
REGARDING THE POST-WAR USE BY UNITED STATES VEHICLES  
OF THE CANADIAN ROADS LEADING FROM THE BOUNDARY  
TO THE ALASKA HIGHWAY.**

I

*The United States Chargé d'Affaires ad interim to Canada  
to the Under-Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

Ottawa, April 10, 1943.

My dear Mr. Robertson:

The question has been raised in Washington as to whether the two phrases found in the American-Canadian exchange of notes of March 17-18, 1942, regarding the post-war use of the Alaska Highway, apply equally to the use of the existing Canadian highways which would have to be used in order to reach the southern terminus of the Alaska Highway from the United States.

You will recall that the notes provide that at the conclusion of the war "that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic."

Elsewhere the Canadian Government agreed "to waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States."

Although it was originally intended that most of the traffic over the Alaska Highway would be routed to Dawson Creek, British Columbia, by rail, it has, as you know, been found expedient to send certain vehicles and transport certain supplies by highway from the United States to Dawson Creek en route to Alaska. My Government feels that it is a natural inference from the language quoted above that United States vehicles should be allowed to use the roads leading from the boundary to the Alaska Highway under conditions similar to those governing the use of the Highway itself.

Sincerely yours,

LEWIS CLARK,  
*Chargé d'Affaires ad interim.*

## II

*The Under Secretary of State for External Affairs  
to the United States Chargé d'Affaires ad interim*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, April 10, 1943.

My dear Mr. Clark,

I have received your letter of April 10, on the question as to whether the two phrases found in the American-Canadian exchange of notes of March 17-18, 1942, regarding the post-war use of the Alaska Highway, apply equally to the use of the existing Canadian highways which would have to be used in order to reach the southern terminus of the Alaska Highway from the United States.

The notes provide that at the conclusion of the war "that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic."

Elsewhere in the exchange of notes the Canadian Government agrees "to waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States."

You have stated in your letter that although it was originally intended that most of the traffic over the Alaska Highway would be routed to Dawson Creek, British Columbia, by railway, it has been found expedient to send certain vehicles and transport certain supplies by highway from the United States to Dawson Creek en route to Alaska. My Government agrees that it is the natural inference from the language quoted above that United States vehicles should be allowed to use the roads leading from the boundary to the Alaska Highway under conditions and for purposes similar to those governing the use of the highway itself. (It may prove necessary, however, for administrative reasons, to designate certain specific roads to be used in this way. It would not be practicable, for example, that United States trucks should be able to enter Canada at any point and still receive bonding privileges on the assumption that they intend eventually to proceed along the Alaska Highway to United States territory.)

Yours sincerely,

• N. A. ROBERTSON,  
*Under Secretary of State for External Affairs.*



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CANADA

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TREATY SERIES, 1943

No. 18

EXCHANGE OF NOTES

(December 28, 1942, January 13, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONCERNING THE

DRILLING OF OIL WELLS IN  
NORTHWESTERN CANADA

---

In Force January 13, 1943



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No. 18

EXCHANGE OF NOTES

(December 28, 1943, January 13, 1943)

BETWEEN

CANADA

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CONCERNING THE

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In Force January 13, 1943



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**EXCHANGE OF NOTES (DECEMBER 28, 1942, AND JANUARY 13, 1943)  
BETWEEN CANADA AND THE UNITED STATES OF AMERICA  
CONCERNING THE DRILLING OF OIL WELLS IN NORTHWESTERN  
CANADA.**

I

*The United States Minister to Canada  
to the Secretary of State for External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA.

Ottawa, December 28, 1942.

No. 818

Sir:

I have the honour to refer to our exchange of notes of June 27 and June 29, 1942, regarding the desire of the United States Government to take steps for extending the fuel supply for the U. S. Army in Canada and Alaska. At that time the United States Government proposed, and the Canadian Government approved, the so-called Canol Project which included, *inter alia*, the drilling of wells in the vicinity of Norman Wells, and the laying of a pipeline from Norman Wells to Whitehorse, capable of delivering 3,000 barrels of oil daily.

The developments of our joint war effort have in the opinion of my Government made it vitally necessary to discover additional sources of petroleum in northwestern Canada and Alaska, capable of producing from 15,000 to 20,000 barrels per day, to supplement the supply which will be obtained from Norman Wells. This will require the drilling of exploratory, or in oil parlance "wildcat" wells in this northern region. As such operations should be conducted in a number of widely separated locations in the Northwest Territories, where oil is believed to exist, it is suggested that the area in Canada within which such operations are authorized be bounded on the north by the Arctic Ocean, on the east by the 112th meridian, on the south by the 60th parallel, on the west by the Continental Divide and the Alaska-Canadian border.

The operations under immediate contemplation,—as a result of which, however, it may prove desirable to enlarge or expand the Canol Project—are for the sole purpose of discovering oil fields capable of producing the required 20,000 barrels per day. No plans have as yet been worked out covering the refineries, storage or distribution systems beyond those already authorized and approved by the Canadian Government.

In view of all the circumstances involved, and the increasingly urgent need of additional fuel for military purposes in the far north, the Government of the United States of America hopes that the Canadian Government will approve these exploratory operations with the understanding that the United States Army authorities be allowed during the war to drill through contract with one or more companies either Canadian or American, to develop through contract with one or more Canadian companies, and to make use of any petroleum sources that may be discovered, subject to Canadian regulations governing such operations and to the further understanding that operations would be subject to the provisions of our exchange of notes of June 27 and June 29 above referred to, in so far as such provisions are not inconsistent with the provisions of this note and are capable, with necessary adaptations and modifications, of being applied to such operations. My Government will of course keep the Canadian Government fully informed of any future plans for carrying out these operations.

Accept, Sir, the renewed assurances of my highest consideration.

For the Minister:

LEWIS CLARK,  
*Second Secretary of Legation.*

## II

*The Secretary of State for External Affairs  
to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, January 13, 1943.

No. 2

Sir,

I have the honour to inform you that the Canadian Government accepts the proposals set forth in your note of December 28, 1942, No. 818, concerning the drilling of exploratory oil wells in the Northwest Territories.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON,  
*For the Secretary of State for External Affairs.*

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*Canada External Affairs, 1943*

(CANADA)

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TREATY SERIES, 1943

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No. 19

EXCHANGE OF NOTES

(January 18, February 17 and March 13, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONCERNING THE

DRILLING OF OIL WELLS IN  
NORTHWESTERN CANADA

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In Force March 13, 1943



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TREATY SERIES, 1943

No. 19

EXCHANGE OF NOTES

(January 18, February 17 and March 13, 1943)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONCERNING THE

DRILLING OF OIL WELLS IN  
NORTHWESTERN CANADA

---

In Force March 13, 1943



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**EXCHANGE OF NOTES (JANUARY 18, FEBRUARY 17 AND MARCH 13, 1943) BETWEEN CANADA AND THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT CONCERNING THE DRILLING OF OIL WELLS IN NORTHWESTERN CANADA.**

I

*Mr. Hugh L. Keenleyside, Assisant Under Secretary of State for External Affairs of Canada, to the United States Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, January 18, 1943.

Dear Mr. Moffat,

I wish to refer again to your note of December 28, 1942, No. 818 on the proposals for drilling exploratory oil wells in the Northwest Territories. The question has arisen as to the best means of avoiding the possibility of the intervention of any one whose interest is not identical with that of the Canadian Government or of the United States Government, and who might make application for oil and gas rights in that part of the Northwest Territories under discussion.

It would facilitate the drafting of regulations if the United States authorities would indicate more definitely the particular districts, within the very large area described in your note No. 818, paragraph 2, which seem to be the most promising. These districts could then be reserved for exploration by nominees of the United States Government.

Yours sincerely,

HUGH L. KEENLEYSIDE,  
*Assistant Under Secretary of State  
for External Affairs.*

II

*The United States Chargé d'Affaires to Canada  
to Mr. H. L. Keenleyside*

LEGATION OF THE UNITED STATES OF AMERICA

Ottawa, February 17, 1943.

Dear Mr. Keenleyside:

I sent to the State Department for its comments the text of your letter to Mr. Moffat of January 18, 1943, regarding a more strict delimitation of the districts in which wildcatting would be done in the Northwest Territories in order that such districts might be reserved for exploration by nominees of the United States Government.

I have now received a reply to the effect that, while we are wholly in accord with your suggestion, it is nevertheless believed to be desirable that in any regulations which may be adopted there be nothing which would forbid operations anywhere within the broad general area mentioned in our note



of December 28, 1942. I quote below, for your information, the pertinent parts of a letter of February 6, 1943, to the Secretary of State from the Secretary of War on this subject:

"This office is wholly in accord with the suggestion contained in Dr. Keenleyside's letter of January 18, 1943, that certain areas should be reserved for exploration by nominees of the United States in order to prevent the possible intervention of any one whose interest is not identical with that of the Canadian Government or of the United States Government.

"At the present time it is expected that the greater part of the wild-catting will be carried on in the district contiguous to the Mackenzie River, approximately 25 miles each side thereof, and extending from Fort Wrigley on the south to Good Hope on the north. It is hoped that sufficient sources of oil to fulfill our requirements will be discovered within this area. However, there are under consideration and surveys are being made of two major districts which, on the basis of presently available geological data, are considered to be the most promising for oil exploration. These areas are defined as follows:

- (a) *District of Mackenzie*—An area contiguous to the Mackenzie River, approximately 75 miles each side thereof, and extending from Great Slave Lake on the south to the Arctic Ocean on the north.
- (b) *Yukon Territory*—All that portion of the Yukon Territory lying north of the 66th parallel.

"It is believed that, in accordance with the suggestion of the Canadian authorities, it would be advantageous to both governments to have the two major areas as described above reserved for oil exploration by the United States in connection with the Canol Project, to the exclusion of other interests.

"Although it is expected that our activities will be confined within these two areas it would be considered inadvisable to have them strictly limited thereto. It is therefore the desire of this department that any regulations which may be adopted be of such a nature as to permit operations anywhere within the broad general area described in our letter of November 18, 1942."

Sincerely yours,

LEWIS CLARK,  
*Chargé d'Affaires ad interim.*



## III

*Mr. Keenleyside to the United States Chargé d'Affaires*

DEPARTMENT OF EXTERNAL AFFAIRES

Ottawa, March 13, 1943.

Dear Mr. Clark,

With reference to your letter of February 17, on the matter of a more strict delimitation of the districts in the Northwest Territories in which wild-catting rights might be reserved for nominees of the United States Government, I have now received a reply from the Department of Mines and Resources on the subject.

The two areas mentioned in your letter are contiguous, namely:

1. *District of Mackenzie*—An area contiguous to the Mackenzie River, approximately 75 miles each side thereof, and extending from Fort Providence on the south to the Arctic Ocean on the north. Within the delta of the Mackenzie River, the line of reference shall be the East Channel.

2. *Yukon Territory*—All that portion of the Yukon Territory lying north of the 66th parallel.

It is proposed to apply the same regulations in these two areas as were worked out for the three areas already reserved by Orders-in-Council P.C. 1138 dated 12th February, 1943, and P.C. 4140 of May 18, 1942, as a result of consultation between Mr. Sidney Paige, Consulting Geologist attached to the office of Colonel Wyman, and Dr. Camsell. These regulations were published in the *Canada Gazette* on February 20, 1943, and provide:

First (clause 1), that no one can prospect without first obtaining permission;

Second (clause 14), that the Minister should have the right to refuse to issue a permit when, in his opinion it might retard the search for and the development of the oil resources or interfere with the production of petroleum for the use of His Majesty or of any country associated or allied with His Majesty in the conduct of the present war.

This should afford ample portection against nuisance staking and ensure that any exploratory and development work that may be carried on by *bona fide* companies other than those nominated by the United States Government will be made available for our war needs.

I trust that this arrangement will be satisfactory to all parties.

Yours sincerely,

HUGH L. KEENLEYSIDE,  
*Assistant Under Secretary of State  
for External Affairs.*



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CANADA . *Externally Agreed*

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TREATY SERIES, 1943

No. 20

EXCHANGE OF NOTES

(March 27 and 30, 1943)

BETWEEN

CANADA AND NEWFOUNDLAND

PROLONGING FOR A FURTHER PERIOD OF ONE  
YEAR THE AGREEMENT ON THE OPERATION OF  
A COMMERCIAL AIR SERVICE TO NEWFOUND-  
LAND BY TRANS-CANADA AIR LINES EFFECTED  
BY AN EXCHANGE OF NOTES OF FEBRUARY 6,  
7, 9 AND 27, 1942

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In Force March 30, 1943



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TREATY SERIES, 1943

No. 20

EXCHANGE OF NOTES

(March 27 and 30, 1943)

BETWEEN

CANADA AND NEWFOUNDLAND

PROLONGING FOR A FURTHER PERIOD OF ONE  
YEAR THE AGREEMENT ON THE OPERATION OF  
A COMMERCIAL AIR SERVICE TO NEWFOUND-  
LAND BY TRANS-CANADA AIR LINES EFFECTED  
BY AN EXCHANGE OF NOTES OF FEBRUARY 6,  
7, 9 AND 27, 1942

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In Force March 30, 1943



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*Enclosure*

LICENCE FOR THE OPERATION OF A COMMERCIAL  
AIR SERVICE FOR THE TRANSPORTATION OF GOODS,  
MAIL AND PASSENGERS

TO TRANS-CANADA AIR LINES

This licence is issued under authority of His Excellency the Governor of Newfoundland in Commission conferred upon the Commissioner for Public Utilities by Minute of Commission dated the 30th day of April, 1942.

Trans-Canada Air Lines is hereby authorized to operate a commercial air service for the transportation of goods, mail and passengers between airports in Newfoundland situate at Gander and Torbay and airports in Canada.

This licence is issued to give effect to an agreement made with the Government of Newfoundland contained in an exchange of letters\* as follows:

Letter from the High Commissioner for Canada to The Acting Commissioner for Public Utilities dated 6th February, 1942.

Letter from the Acting Commissioner for Public Utilities to the High Commissioner for Canada dated 7th February, 1942.

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 9th February, 1942.

Letter from the Commissioner for Public Utilities to the High Commissioner for Canada dated 27th February, 1942.

and the authority to operate an air service hereby conferred is subject to the provisions of the said agreement as in the said letters set out.

This licence shall have effect as from the 1st day of April, 1943, and subject to the provisions of the said agreement shall continue in effect until the 31st day of March, 1944.

This licence may be required to be replaced or supplemented by any permit or licence necessary for the operation of the air service under the provisions of any of the laws of Newfoundland.

W. W. WOODS,  
*Commissioner for Public Utilities.*

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\*For the text of the letters, see *Canada Treaty Series*, 1942. No. 19.

CANADA

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TREATY SERIES, 1943

No. 21

ARMISTICE

WITH

ITALY

SIGNED ON THE 3rd AND 29th SEPTEMBER  
AND 9th NOVEMBER, 1943  
TOGETHER WITH RELATED DOCUMENTS



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TREATY SERIES, 1943

No. 21

ARMISTICE

WITH

ITALY

SIGNED ON THE 3rd AND 29th SEPTEMBER

AND 9th NOVEMBER, 1943

TOGETHER WITH RELATED DOCUMENTS



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## ARMISTICE WITH ITALY

Signed on the 3rd and 29th September and 9th November, 1943

### I

#### CONDITIONS OF ARMISTICE

Signed on the 3rd September, 1943

The following conditions of an armistice are presented by General Dwight D. Eisenhower, Commander-in-Chief of the Allied forces, acting by authority of the Governments of the United States and Great Britain in the interest of the United Nations, and accepted by Marshal Pietro Badoglio, head of the Italian Government:—

1. Immediate cessation of all hostile activity by the Italian armed forces.
2. Italy will use its best endeavours to deny, to the Germans, facilities that might be used against the United Nations.
3. All prisoners or internees of the United Nations to be immediately turned over to the Allied Commander-in-Chief, and none of these may now or at any time be evacuated to Germany.
4. Immediate transfer of the Italian fleet and Italian aircraft to such points as may be designated by the Allied Commander-in-Chief, with details of disarmament to be prescribed by him.
5. Italian merchant shipping may be requisitioned by the Allied Commander-in-Chief to meet the needs of his military-naval programme.
6. Immediate surrender of Corsica and of all Italian territory, both islands and mainland, to the Allies, for such use as operational bases and other purposes as the Allies may see fit.
7. Immediate guarantee of the free use by the Allies of all airfields and naval ports in Italian territory, regardless of the rate of evacuation of the Italian territory by the German forces. These ports and fields to be protected by Italian armed forces until this function is taken over by the Allies.
8. Immediate withdrawal to Italy of Italian armed forces from all participation in the current war from whatever areas in which they may be now engaged.
9. Guarantee by the Italian Government that, if necessary, it will employ all its available armed forces to ensure prompt and exact compliance with all the provisions of this armistice.
10. The Commander-in-Chief of the Allied forces reserves to himself the right to take any measure which in his opinion may be necessary for the protection of the interests of the Allied forces for the prosecution of the war, and the Italian Government binds itself to take such administrative or other action as the Commander-in-Chief may require; and, in particular, the Commander-in-Chief will establish Allied military government over such parts of Italian territory as he may deem necessary in the military interests of the Allied nations.
11. The Commander-in-Chief of the Allied forces will have a full right to impose measures of disarmament, demobilization and demilitarisation.



12. Other conditions of a political, economic and financial nature with which Italy will be bound to comply will be transmitted at a later date.

The conditions of this armistice will not be made public without prior approval of the Allied Commander-in-Chief. The English will be considered the official text.

MARSHAL BADOGLIO,  
*Head of the Italian Government,*

*by*

GIUSEPPE CASTELLANO,  
*Brigadier-General attached to  
Italian High Command.*

DWIGHT D. EISENHOWER,  
*General, United States Army,  
Commander-in-Chief, Allied Forces,*

*by*

WALTER B. SMITH,  
*Major-General, Chief of Staff.*

## II

### ADDITIONAL CONDITIONS OF ARMISTICE

Signed at Malta on the 29th September, 1943

#### *Instrument of Surrender of Italy*

Whereas in consequence of an armistice dated the 3rd September, 1943, between the United States and the United Kingdom Governments on the one hand and the Italian Government on the other hand, hostilities were suspended between Italy and the United Nations on certain terms of a military nature;

And whereas in addition to those terms it was also provided in the said Armistice that the Italian Government bound themselves to comply with other conditions of a political, economic and financial nature to be transmitted later;

And whereas it is convenient that the terms of a military nature and the said other conditions of a political, economic and financial nature should without prejudice to the continued validity of the terms of the said Armistice of the 3rd September, 1943, be comprised in a further instrument;

The following, together with the terms of the Armistice of the 3rd September, 1943, are the terms on which the United States and United Kingdom Governments acting on behalf of the United Nations are prepared to suspend hostilities against Italy so long as their military operations against Germany and her Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments.

These terms have been presented by General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, duly authorised to that effect;

And have been accepted by Marshal Pietro Badoglio, Head of the Italian Government.

1. (A) The Italian Land, Sea and Air Forces wherever located, hereby surrender unconditionally.

(B) Italian participation in the war in all Theaters will cease immediately. There will be no opposition to landings, movements or other operations of the Land, Sea and Air Forces of the United Nations. Accordingly, the Italian Supreme Command will order the immediate cessation of hostilities of any kind against the Forces of the United Nations and will direct the Italian Navy, Military and Air Force authorities in all Theatres to issue forthwith the appropriate instructions to those under their Command.

(C) The Italian Supreme Command will further order all Italian Naval, Military and Air Forces or authorities and personnel to refrain immediately from destruction of or damage to any real or personal property, whether public or private.



2. The Italian Supreme Command will give full information concerning the disposition and condition of all Italian Land, Sea and Air Forces, wherever they are situated and of all such forces of Italy's Allies as are situated in Italian or Italian-occupied territory.

3. The Italian Supreme Command will take the necessary measures to secure airfields, port facilities, and all other installations against seizure or attack by any of Italy's Allies. The Italian Supreme Command will take the necessary measures to insure Law and Order, and to use its available armed forces to insure prompt and exact compliance with all the provisions of the present instrument. Subject to such use of Italian troops for the above purposes, as may be sanctioned by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or ships, pending directions from the United Nations as to their future status and disposal. Exceptionally such Naval personnel shall proceed to shore establishments as the United Nations may direct.

4. Italian Land, Sea and Air Forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory notified to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian Land, Sea and Air Forces will be carried out in conditions to be laid down by the United Nations and in accordance with the orders to be issued by them. All Italian officials will similarly leave the areas notified except any who may be permitted to remain by the United Nations. Those permitted to remain will comply with the instructions of the Allied Commander-in-Chief.

5. No requisitioning, seizures or other coercive measures shall be effected by Italian Land, Sea and Air Forces or officials in regard to persons or property in the areas notified under Article 4.

6. The demobilisation of Italian Land, Sea and Air Forces in excess of such establishments as shall be notified will take place as prescribed by the Allied Commander-in-Chief.

7. Italian warships of all descriptions, auxiliaries and transports will be assembled as directed in ports to be specified by the Allied Commander-in-Chief and will be dealt with as prescribed by the Allied Commander-in-Chief. (Note.—If at the date of the Armistic the whole of the Italian Fleet has been assembled in Allied ports, this article would run: "Italian warships of all descriptions, auxiliaries and transports will remain until further notice in the ports where they are at present assembled, and will be dealt with as prescribed by the Allied Commander-in-Chief.")

8. Italian aircraft of all kinds will not leave the ground or water or ships, except as directed by the Allied Commander-in-Chief.

9. Without prejudice to the provisions 14, 15 and 28 (A) and (D) below, all merchant ships, fishing or other craft of whatever flag, all aircraft and inland transport of whatever nationality in Italian or Italian-occupied territory or waters will, pending verification of their identity and status, be prevented from leaving.

10. The Italian Supreme Command will make available all information about naval, military and air devices, installations and defences, about all transport and inter-communication systems established by Italy or her allies on Italian territory or in the approaches thereto, about minefields or other obstacles to movement by land, sea or air and such other particulars as the United Nations may require in connection with the use of Italian bases, or

with the operations, security or welfare of the United Nations Land, Sea or Air Forces. Italian forces and equipment will be made available as required by the United Nations for the removal of the above-mentioned obstacles.

11. The Italian Government will furnish forthwith lists of quantities of all war material showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war material will be placed in store under such control as he may direct. The ultimate disposal of war material will be prescribed by the United Nations.

12. There will be no destruction of nor damage to nor except as authorised or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war materials.

14. (A) All Italian merchant shipping and fishing and other craft, wherever they may be, and any constructed or completed during the period of the present instrument will be made available in good repair and in seaworthy condition by the competent Italian authorities at such places and for such purposes and periods as the United Nations may prescribe. Transfer to enemy or neutral flags is prohibited. Crews will remain on board, pending further instructions regarding their continued employment or dispersal. Any existing options to repurchase or reacquire or to resume control of Italian or former Italian vessels sold or otherwise transferred or chartered during the war will forthwith be exercised and the above provisions will apply to all such vessels and their crews.

(B) All Italian inland transport and all port equipment will be held at the disposal of the United Nations for such purposes as they may direct.

15. United Nations merchant ships, fishing and other craft in Italian hands wherever they may be (including for this purpose those of any country which has broken off diplomatic relations with Italy) whether or not the title has been transferred as the result of prize court proceedings or otherwise, will be surrendered to the United Nations and will be assembled in ports to be specified by the United Nations for disposal as directed by them. The Italian Government will take all such steps as may be required to secure any necessary transfers of title. Any neutral merchant ship, fishing or other craft under Italian operation or control will be assembled in the same manner, pending arrangements for their ultimate disposal. Any necessary repairs to any of the above-mentioned vessels will be effected by the Italian Government, if required, at their expense. The Italian Government will take the necessary measures to insure that the vessels and their cargo are not damaged.

16. No radio or telecommunication installations or other forms of intercommunication, shore or afloat, under Italian control, whether belonging to Italy or any nation other than the United Nations, will transmit until directions for the control of these installations have been prescribed by the Allied Commander-in-Chief. The Italian authorities will conform to such measures for control and censorship of press and of other publications, of theatrical and cinematograph performances, of broadcasting, and also of all forms of inter-



communication as the Allied Commander-in-Chief may direct. The Allied Commander-in-Chief may, at his discretion, take over radio, cable and other communication stations.

17. The warships, auxiliaries, transports and merchant and other vessels and aircraft in the service of the United Nations will have the right freely to use the territorial waters around and the air over Italian territory.

18. The forces of the United Nations will require to occupy certain parts of Italian territory. The territories or areas concerned will from time to time be notified by the United Nations and all Italian Land, Sea and Air Forces will thereupon withdraw from such territories or areas in accordance with the instructions issued by the Allied Commander-in-Chief. The provisions of this article are without prejudice to those of article 4 above. The Italian Supreme Command will guarantee immediate use and access to the Allies of all airfields and Naval ports in Italy under their control.

19. In the territories or areas referred to in article 18 all Naval, Military and Air installations, power stations, oil refineries, public utility services, all ports and harbours, all transport and all inter-communication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

20. Without prejudice to the provisions of the present instrument the United Nations will exercise all the rights of an occupying power throughout the territories or areas referred to in article 18, the administration of which will be provided for by the issue of proclamations, orders or regulations. Personnel of the Italian administrative, judicial and public services will carry out their functions under the control of the Allied Commander-in-Chief unless otherwise directed.

21. In addition to the rights in respect of occupied Italian territories described in articles 18 to 20—

(A) Members of the Land, Sea or Air Forces and officials of the United Nations will have the right of passage in or over non-occupied Italian territory, and will be afforded all the necessary facilities and assistance in performing their functions.

(B) The Italian authorities will make available on non-occupied Italian territory all transport facilities required by the United Nations including free transit for their war material and supplies, and will comply with instructions issued by the Allied Commander-in-Chief regarding the use and control of airfields, ports, shipping, inland transport systems and vehicles, inter-communication systems, power stations and public utility services, oil refineries, stocks and such other fuel and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities.

22. The Italian Government and people will abstain from all action detrimental to the interests of the United Nations and will carry out promptly and efficiently all orders given by the United Nations.

23. The Italian Government will make available such Italian currency as the United Nations may require. The Italian Government will withdraw and redeem in Italian currency within such time limits and on such terms as the United Nations may specify all holdings in Italian territory of currencies issued by the United Nations during military operations or occupation and

will hand over the currencies withdrawn free of cost to the United Nations. The Italian Government will take such measures as may be required by the United Nations for the control of banks and business in Italian territory, for the control of foreign exchange and foreign commercial and financial transactions and for the regulation of trade and production and will comply with any instructions issued by the United Nations regarding these and similar matters.

24. There shall be no financial, commercial or other intercourse with or dealings with or for the benefit of countries at war with any of the United Nations or territories occupied by such countries or any other foreign country except under authorisation of the Allied Commander-in-Chief or designated officials.

25. (A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian Land, Sea and Air Forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(B) The United Nations reserve the right to require the withdrawal of neutral diplomatic and consular officers from occupied Italian territory and to prescribe and lay down regulations governing the procedure for the methods of communication between the Italian Government and its representatives in neutral countries and regarding communications emanating from or destined for the representatives of neutral countries in Italian territory.

26. Italian subjects will, pending further instructions, be prevented from leaving Italian territory except as authorised by the Allied Commander-in-Chief and will not in any event take service with any of the countries or in any of the territories referred to in article 25(A) nor will they proceed to any place for the purpose of undertaking work for any such country. Those at present so serving or working will be recalled as directed by the Allied Commander-in-Chief.

27. The Military, Naval and Air personnel and material and the merchant shipping, fishing and other craft and the aircraft, vehicles and other transport equipment of any country against which any of the United Nations is carrying on hostilities or which is occupied by any such country, remain liable to attack or seizure wherever found in or over Italian territory or waters.

28. (A) The warships, auxiliaries and transports of any such country or occupied country referred to in article 27 in Italian or Italian-occupied ports and waters and the aircraft, vehicles and other transport equipment of such countries in or over Italian or Italian-occupied territory will, pending further instructions, be prevented from leaving.

(B) The Military, Naval and Air personnel and the civilian nationals of any such country or occupied country in Italian or Italian-occupied territory will be prevented from leaving and will be interned pending further instructions.

(C) All property in Italian territory belonging to any such country or occupied country or its nationals will be impounded and kept in custody pending further instructions.

(D) The Italian Government will comply with any instructions given by the Allied Commander-in-Chief concerning the internment, custody or subsequent disposal, utilisation or employment of any of the above-mentioned persons, vessels, aircraft, material or property.



29. Benito Mussolini, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with.

30. All Fascist organisations, including all branches of the Fascist Militia (MVSM), the Secret Police (OVRA), all Fascist organisations will in so far as this is not already accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

31. All Italian laws involving discrimination on grounds of race, color, creed or political opinions will in so far as this is not already accomplished be rescinded, and persons detained on such grounds will, as directed by the United Nations, be released and relieved from all legal disabilities to which they have been subjected. The Italian Government will comply with all such further directions as the Allied Commander-in-Chief may give for repeal of Fascist legislation and removal of any disabilities or prohibitions resulting therefrom.

32. (A) Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.

(B) Persons of whatever nationality who have been placed under restriction, detention or sentence (including sentences in absentia) on account of their dealings or sympathies with the United Nations will be released under the direction of the United Nations and relieved from all legal disabilities to which they have been subjected.

(C) The Italian Government will take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign nationals and property of foreign states and nationals.

33. (A) The Italian Government will comply with such directions as the United Nations may prescribe regarding restitutions, deliveries, services or payments by way of reparation and payment of the costs of occupation during the period of the present instrument.

(B) The Italian Government will give to the Allied Commander-in-Chief such information as may be prescribed regarding the assets, whether inside or outside Italian territory, of the Italian state, the Bank of Italy, any Italian state or semi-state institutions or Fascist organisations or residents in Italian territory and will not dispose or allow the disposal, outside Italian territory of any such assets except with the permission of the United Nations.

34. The Italian Government will carry out during the period of the present instrument such measures of disarmament, demobilisation and demilitarisation as may be prescribed by the Allied Commander-in-Chief.

35. The Italian Government will supply all information and provide all documents required by the United Nations. There shall be no destruction or concealment of archives, records, plans or any other documents or information.

36. The Italian Government will take and enforce such legislative and other measures as may be necessary for the execution of the present instrument. Italian military and civil authorities will comply with any instructions issued by the Allied Commander-in-Chief for the same purpose.

37. There will be appointed a Control Commission representative of the United Nations charged with regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38. (A) The term "United Nations" in the present instrument includes the Allied Commander-in-Chief, the Control Commission and any other authority which the United Nations may designate.

(B) The term "Allied Commander-in-Chief" in the present instrument includes the Control Commission and such other officers and representatives as the Commander-in-Chief may designate.

39. Reference to Italian Land, Sea and Air Forces in the present instrument shall be deemed to include Fascist Militia and all such other military or para-military units, formations or bodies as the Allied Commander-in-Chief may prescribe.

40. The term "War Material" in the present instrument denotes all material specified in such lists or definitions as may from time to time be issued by the Control Commission.

41. The term "Italian Territory" includes all Italian colonies and dependencies and shall for the purposes of the present instrument (but without prejudice to the question of sovereignty) be deemed to include Albania. Provided, however, that except in such cases and to such extent as the United Nations may direct the provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency already occupied by the United Nations or the rights or powers therein possessed or exercised by them.

42. The Italian Government will send a delegation to the Headquarters of the Control Commission to represent Italian interests and to transmit the orders of the Control Commission to the competent Italian authorities.

43. The present instrument shall enter into force at once. It will remain in operation until superseded by any other arrangements or until the voting into force of the peace treaty with Italy.

44. The present instrument may be denounced by the United Nations with immediate effect if Italian obligations thereunder are not fulfilled or, as an alternative, the United Nations may penalise contravention of it by measures appropriate to the circumstances such as the extension of the areas of military occupation or air or other punitive action.

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation, the decision of the Control Commission will prevail.

Signed at Malta on the 29th day of September, 1943.

BADOGLIO.

*Marshal Pietro Badoglio,  
Head of the Italian Government.*

DWIGHT D. EISENHOWER.

*Dwight D. Eisenhower,  
General, United States Army,  
Commander-in-Chief, Allied Force.*



## III

## LETTER FROM GENERAL EISENHOWER TO MARSHAL BADOGLIO

29th September, 1943.

My dear Marshal Badoglio,

The terms of the armistice to which we have just appended our signatures are supplementary to the short military armistice signed by your representative and mine on the 3rd September, 1943. They are based upon the situation obtaining prior to the cessation of hostilities. Developments since that time have altered considerably the status of Italy, which has become in effect a co-operator with the United Nations.

It is fully recognised by the Governments on whose behalf I am acting that these terms are in some respects superseded by subsequent events and that several of the clauses have become obsolescent or have already been put into execution. We also recognise that it is not at this time in the power of the Italian Government to carry out certain of the terms. Failure to do so because of existing conditions will not be regarded as a breach of good faith on the part of Italy. However, this document represents the requirements with which the Italian Government can be expected to comply when in a position to do so.

It is to be understood that the terms both of this document and of the short military armistice of the 3rd September may be modified from time to time if military necessity or the extent of co-operation by the Italian Government indicates this as desirable.

Sincerely,

DWIGHT D. EISENHOWER,  
*General, United States Army,*  
*Commander-in-Chief, Allied Forces.*

His Excellency,

Marshal Pietro Badoglio,  
Head of the Italian Government.

## IV

## PROTOCOL AMENDING THE INSTRUMENT OF SURRENDER

OF 29th SEPTEMBER, 1943

Signed at Brindisi on the 9th November, 1943

*Protocol*

It is agreed that the title of the document signed at Malta on the 29th September, 1943, by Marshal Pietro Badoglio, Head of the Italian Government, and General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, should be changed to "additional conditions of Armistice with Italy." The following further amendments to this document are also agreed:—

In the first paragraph of the Preamble the words "acting in the interests of all the United Nations" are inserted between the words "Governments" and "on the one hand." The paragraph in question therefore reads as follows:—

"Whereas in consequence of an Armistice dated the 3rd September, 1943, between the United States and United Kingdom Governments acting in the interests of all the United Nations on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and United Nations on certain terms of a military nature."

In the fourth paragraph of the Preamble the words "and Soviet" are inserted between the words "United Kingdom" and "Governments," and the word "and" between the words "United States" and "United Kingdom" is deleted. The paragraph in question therefore reads as follows:—

"The following, together with the terms of the Armistice of the 3rd September, 1943, are the terms on which the United States, United Kingdom and Soviet Governments, acting on behalf of the United Nations, are prepared to suspend hostilities against Italy so long as their military operations against Germany and the Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments."

In paragraph 6 of the Preamble the word "unconditionally" is inserted between the word "accepted" and "by." The paragraph in question therefore reads as follows: —

"and have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government representing the Supreme Command of the Italian land, sea and air forces and duly authorised to that effect by the Italian Government."

In Article 1(A) the word "unconditionally" is deleted. The Article in question therefore reads as follows:—

"The Italian land, sea and air forces wherever located hereby surrender."

Article 29 is amended to read as follows:—

"Benito Mussolini, his chief Fascist associates, and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government, will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations to this purpose will be complied with."

The present Protocol is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on the 9th November, 1943, at Brindisi.

NOEL MACFARLANE,  
*Lt.-General,*

*Il Capo del Governo Italiano:*  
BADOGLIO.

*For the Allied Commander-in-Chief.*



## APPENDIX A

### MEMORANDUM OF AGREEMENT ON THE EMPLOYMENT AND DISPOSITION OF THE ITALIAN FLEET AND MERCANTILE MARINE BETWEEN THE ALLIED NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN, ACTING ON BEHALF OF THE ALLIED COMMANDER-IN-CHIEF, AND THE ITALIAN MINISTER OF MARINE.

Office of Commander-in-Chief,  
Mediterranean Station,  
23rd September, 1943.

1. The Armistice having been signed between the head of the Italian Government and the Allied Commander-in-Chief under which all Italian warships and the Italian Mercantile Marine were placed unconditionally at the disposal of the United Nations, and His Majesty the King of Italy and the Italian Government having since expressed the wish that the Fleet and the Italian Mercantile Marine should be employed in the Allied effort to assist in the prosecution of the war against the Axis Powers, the following principles are established on which the Italian Navy and Mercantile Marine will be disposed:—

(a) Such ships as can be employed to assist actively in the Allied effort will be kept in commission and will be used under the orders of the Commander-in-Chief, Mediterranean, as may be arranged between the Allied Commander-in-Chief and the Italian Government.

(b) Ships which cannot be so employed will be reduced to a care and maintenance basis and be placed in designated ports, measures of disarmament being undertaken as may be necessary.

(c) The Government of Italy will declare the names and whereabouts of warships, merchant ships, now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action.

(d) The Allied Naval Commander-in-Chief will act as the agent of the Allied Commander-in-Chief in all matters concerning the employment of the Italian Fleet or Merchant Navy, their disposition and related matters.

(e) It should be clearly understood that the extent to which the terms of the Armistice are modified to allow of the arrangements outlined above and which follow, are dependent upon the extent and effectiveness of Italian co-operation.

2. Method of operation. The Commander-in-Chief, Mediterranean, will place at the disposal of the Italian Ministry of Marine a high ranking Naval Officer with the appropriate staff who will be responsible to the Commander-in-Chief, Mediterranean, for all matters in connection with the operation of the Italian Fleet, and be the medium through which dealings will be carried out in connection with the Italian Mercantile Marine. The Flag Officer acting for these duties (Flag Office, Liaison) will keep the Italian Ministry of Marine informed of the requirements of the Commander-in-Chief, Mediterranean, and will act in close co-operation as regards issue of all orders to the Italian Fleet.

### 3. Proposed disposition of the Italian Fleet.

(a) All battleships will be placed on a care and maintenance basis in ports to be designated and will have such measures of disarmament applied as may be directed. These measures of disarmament will be such that the ships can be brought into operation again if it so seems desirable. Each ship will have on board a proportion of Italian Naval personnel to keep the ships in proper condition and the Commander-in-Chief, Mediterranean, will have the right of inspection at any time.

(b) *Cruisers*.—Such cruisers as can be of immediate assistance will be kept in commission. At present it is visualised that one squadron of four cruisers will suffice and the remainder will be kept in care and maintenance as for the battleships but at a rather greater degree of readiness to be brought into service if required.

(c) *Destroyers and Torpedo Boats*.—It is proposed to keep these in commission and to use them on escort and similar duties as may be requisite. It is proposed that they should be divided into escort groups working as units and that they should be based on Italian ports.

(d) *Small Craft*.—MAS, minesweepers, auxiliaries and similar small craft will be employed to the full, detailed arrangements being made with the Flag Officer (Liaison) by the Italian Ministry of Marine for their best employment.

(e) *Submarines*.—In the first instance submarines will be immobilized in ports to be designated and at a later date these may be brought into service as may be required to assist the Allied effort.

4. Status of Italian Navy. Under this modification of the Armistice Terms, all the Italian ships will continue to fly their Flag. A large proportion of the Italian Navy will thus remain in active commission operating their own ships and fighting alongside the Forces of the United Nations against the Axis Powers.

The requisite liaison officers will be supplied to facilitate the working of the Italian ships in co-operation with Allied Forces.

A small Italian Liaison mission will be attached to the Headquarters of the Commander-in-Chief, Mediterranean, to deal with matters affecting the Italian Fleet.

5. Mercantile Marine. It is the intention that the Italian Mercantile Marine should operate under the same conditions as the Merchant ships of the Allied Nations. That is to say, all mercantile shipping of the United Nations is formed into a pool which is employed as may be considered necessary for the benefit of all the United Nations. In this will naturally be included the requirements for the supply and maintenance of Italy. The system will be analogous to that used in North Africa, where the North Africa Shipping Board controls all United States, British and French shipping under certain agreements which will have to be arranged in detail in so far as Italian ships are concerned. While it may be expected that a proportion of Italian ships will be working within the Mediterranean and to and from Italian ports, it must be appreciated that this will not always necessarily be the case and ships flying the Italian Flag may be expected to be used elsewhere as is done with the merchant ships of all the United Nations. Italian ships employed as outlined in this paragraph will be manned by crews provided by the Italian Ministry of Marine and will fly the Italian Flag.



## APPENDIX B

### AMENDMENT TO AGREEMENT BETWEEN THE NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN ALLIED FORCES, AND THE ROYAL ITALIAN MINISTER OF MARINE WITH RESPECT TO THE EMPLOYMENT OF THE ITALIAN NAVY.

The aforementioned agreement is amended as follows:—

The following phrase to be added to the Preamble:—

“It is understood and agreed that the provisions of this agreement as to immediate employment and disposition of Italian warships and merchant ships do not affect the right of United Nations to make such other dispositions of any or all Italian ships as they may think fit. Their decisions in this respect will be notified to the Italian Government from time to time.”

Final sentence of last paragraph to be amended to read:—

“will be manned so far as possible by crews provided by Italian Ministry of Marine and will fly the Italian flag.”

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on the 17th November, 1943, at Brindisi.

For the Naval Commander-in-Chief,  
Mediterranean, Allied Forces:

R. McGREGOR,  
*Rear-Admiral,  
Flag Officer Liaison, Italy.*

AM. R. De COURTEN,  
*Ministro della Marina.*

## APPENDIX C

### STATEMENT SIGNED BY THE ITALIAN MINISTER OF MARINE WHEN SIGNING THE AMENDMENT TO AGREEMENT (Appendix B).

(Translation)

By order of His Excellency Marshal Badoglio, Chief of the Government, I have signed the clauses added to the Preamble and to the last paragraph of the Cunningham-de Courten Agreement, which were requested by the Allied Governments as conditions of the signature of the amendments to the Armistice.

In signing, I request that note be taken of the following statement:—

“I believe it my duty to make clear that the request for insertion of these clauses, put forward nearly two months after the meeting with Sir Andrew Cunningham, then Commander-in-Chief of the Allied Mediterranean Fleet, alters the spirit of the agreement concluded between Admiral Cunningham and me. The clauses of this agreement had been put forward, in accordance with the Armistice, by Admiral Cunningham himself, who invited me to examine them and make known to them my observations and comments. Inasmuch as there was complete agreement in regard to the text presented by the Allies, and as the agreement has up to now been carried out in the widest and most complete manner without opposition either in letter or spirit, I did not and do not have any reason to believe it should be modified and completed by a subsequent safeguarding clause. This clause seems to be at odds with the active collaboration given up to now by the Italian Navy and with the visible demonstration of the loyalty with which the Italian Fleet is contributing to the utmost to the conduct of the war against the common enemy in the spirit of existing co-belligerency.”

ADMIRAL DE COURTEN,

*Minister of the Navy.*

Brindisi, 17th November, 1943.



## APPENDIX D

### AIDE-MEMOIRE ON THE FUNCTIONS OF THE ALLIED COMMISSION COMMUNICATED TO THE ITALIAN GOVERNMENT BY THE ACTING PRESIDENT OF THE COMMISSION.

In accordance with the declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain,\* the Allied Governments propose to relax the control of the Italian Government under the armistice in the matter of day-to-day administration and only to exercise such control when Allied military interests require.

2. The Political Section of the Allied Commission is being abolished as of the 1st March, 1945. The Italian Ministry for Foreign Affairs will deal with the Chief Commissioner on matters of major policy, and on matters of minor policy and routine business it will address itself to whatever section (economic or civil affairs) of the commission may be appropriate to the subject involved. Matters involving the travel of diplomatic and other public officials will hereafter be dealt with on behalf of the commission by the Office of the Executive Commissioner.

3. The Italian Government will continue, as at present, to have direct relations with foreign diplomatic representatives accredited to the Quirinal. The Allied Commission should be kept generally informed by the Italian Government of any negotiations in which they engage with other Governments. Facilities for the use of secret bags will be granted to the Italian Government for use in correspondence with their diplomatic representatives abroad. Undeposited cypher facilities cannot be allowed for the present.

In so far as these negotiations have to do with economic and financial matters, the Economic Section and its Finance Sub-Commission should be kept informed of their progress.

It would be convenient if the Italian Government would furnish a periodic summary of all negotiations completed or pending with other Governments.

4. The Allied Commission will limit its dealings with respect to territory under the jurisdiction of the Italian Government to consultation with and advice to the Ministers of the Italian Government.

5. The advisory functions of the Sub-Commissions of Education, Monuments and Fine Arts, Local Government, Legal and Labour in territory under the jurisdiction of the Italian Government will be performed only when requested by the Italian Government.

6. It will no longer be necessary for the Italian Government to obtain the approval of the Allied Commission for decrees and other legislation enacted by the Italian Government in the territory under the jurisdiction of the Italian Government.

Nevertheless the Allied Commission should be informed of proposed decrees some time before their enactment, in order to enable the Chief Commissioner to consult with the Italian Government as to their application to territory under the jurisdiction of Allied Military Government (A.M.G.), and to lay plans for their effective implementation in such territory when appropriate.

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\* This declaration, the text of which was released in London on the 27th September, 1944, after the meeting between Mr. Roosevelt and Mr. Churchill in the United States, provided, *inter alia*, that the Allied Control Commission would be renamed "The Allied Commission."

7. It will no longer be necessary for the Italian Government to obtain approval of the Allied Commission for Italian appointments, whether to national or local offices, in territory under the jurisdiction of the Italian Government except with regard to the attached list (appendix "A") of positions having military significance. The Italian Government will have the right to alter appointments made previously by A.M.G. authorities.

8. The Allied Commission officers stationed in the field in the territory under the jurisdiction of the Italian Government will be withdrawn. As a first step it is intended to abolish by the 1st April, 1945, the Regional Offices of the Allied Commission for Sicilia, Sardegna, Southern and Lazio-Umbria Regions. Representatives of the Allied Commission will, however, be sent into territory under the jurisdiction of the Italian Government when necessary, and certain specialist officers with economic functions will remain in such territory for a limited period.

9. It is the desire of the Allies to encourage free trade in knowledge and learning with the Italian people. Arrangements will be facilitated for the flow between Italy and the United Nations of books and other publications of a scientific, political, philosophical and artistic nature, and for the movement of scholars, artists and professional men between Italy and the United Nations.

10. The Allies welcome the decision to hold local elections in territory under the jurisdiction of the Italian Government as soon as may be.

11. The Allied nations desire to make concessions with regard to Italian prisoners of war now or hereafter held in Italy, other than those captured since the armistice was signed. Provided that arrangements can be made for the services of such persons to continue to be made available on terms satisfactory to the Supreme Allied Commander, their status as prisoners of war will be terminated.

12. It is essential that the Italian Government formulate and implement appropriate economic controls and take all other steps possible both in order to ensure that maximum production and effective and equitable distribution and control of consumption of local resources possible under existing conditions be secured and as a prerequisite to increased economic assistance.

13. In the joint programme of essential Italian imports, now being prepared by the Inter-Ministerial Committee for Reconstruction and the Economic Section of this commission, there will be some supplies for which the combined United States-United Kingdom military authorities will assume responsibility for procurement (Category "A") and other supplies for which they will not assume responsibility (Category "B"). A definition of the supplies which fall into Category "A" follows.

(a) Those quantities of agreed essential supplies necessary to prevent disease and unrest prejudicial to military operations, such as food, fuel, clothing, medical and sanitary supplies.

(b) Those supplies, the importation of which will reduce military requirements for the import of essential civilian supplies for the purposes referred to in this paragraph, such as fertilisers, raw materials, machinery and equipment.

(c) Those materials essential for the rehabilitation of such of the Italian communication facilities, power systems and transportation facilities as will directly further the Allied military effort.

14. The programme for which the military authorities assume responsibility will be maintained for the duration of combined (United States-United King-



dom) operations in Italy. For this period, and within the limits defined in paragraph 13, Italy will be treated as a whole. The date of the termination of military responsibility will be fixed by the Allied Nations.

15. In addition to the programme of supplies for which the military assume responsibility for procurement (Category "A") the Allied Commission will assist the Italian Government in the preparation of programmes of supplies designed to rehabilitate Italian Industry. Such programmes, referred to as Category "B", will be handled under procedures already notified. The purchasing of supplies in Category "B" programmes will be undertaken immediately without reference to the present difficult shipping position in order that the supplies so purchased may be called forward as and when shipping space becomes available.

16. The Allies desire that industrial rehabilitation in Italy be carried out by the Italian Government to the fullest extent permitted by Italian resources and such supplies as it may be possible to import under the terms of paragraphs 13, 14 and 15 above, and subject to the limitation in paragraph 19 below. The sole exception to this principle is to be made in the case of industries involving the production or repair of munitions or other implements of war, which will be rehabilitated only to the extent required by the Supreme Allied Commander in the discharge of his military mission, and to the extent necessary to further the Allied military effort in other theatres. The priority order in which Italian industry will be rehabilitated (after the rehabilitation of industries essential for Allied military purposes) will be determined by the Italian Government with the assistance and advice of the Allied Commission.

17. The prime responsibility for the control of inflation in Italy, including the imposition and administration of the appropriate financial controls and economic controls, and appropriate utilisation of supplies, rests with the Italian Government. In this connection, as in others, the Allied Commission stands ready to advise and assist.

18. The extent to which exports are to be stimulated and the development of machinery to handle export trade are for determination by the Italian Government. For the time being, the Italian export programme will necessarily be limited by certain shipping, military, financial and supply factors. The applicability of these factors to individual programmes will be worked out between the Italian Government and the Economic Section of the Allied Commission along the lines already discussed by the Economic Section with the Inter-Ministerial Committee for Reconstruction.

19. Nothing contained in the above should be taken as constituting a commitment by the Allied Nations with respect to shipping. Any supplies to be imported into Italy must be transported within such shipping as may be allocated from time to time by the Allied Nations.

HAROLD MACMILLAN.

24th February, 1945.

## APPENDIX "A"

*List of Italian Government appointments requiring prior approval by  
the Allied Commission.*

Minister of War.

Minister of Marine.

Minister of Air.

Any other Minister of Armed Forces who may be created.

Under-Secretary for Telecommunications.

Director of Railroads.

Director-General of Pubblica Sicurezza.

Commanding General, CC. RR.

Chief of Staff, CC. RR.

Commanding General, GG. FF.

Appointments in the Army, Navy and Air Force in accordance with current  
practice.



## APPENDIX E

### COMMENTARY

#### AGREED BETWEEN THE UNITED KINGDOM AND THE UNITED STATES GOVERNMENTS

##### (1)

The extent to which certain of the additional Conditions of Armistice have been implemented or modified is shown in the following comments, which have been agreed between His Majesty's Government and the United States Government. The remaining Articles have either been superseded by events and are, therefore, dormant, or are still in force. These Articles are not commented upon.

*Articles 1-5.*—Were complied with.

*Articles 6-12.*—With the co-operation of the Italian Government, the Italian armed forces have been used to the maximum useful extent in the services of the United Nations and have contributed materially towards the liberation of Italy and final victory. The Italian Navy has operated with Allied warships in the Mediterranean and elsewhere, and since the cessation of hostilities has largely been employed in the Italian interest in minesweeping and the transport of displaced persons. The Army fought alongside Allied formations during the campaign in Italy and the Air Force took its place with the Allied Air Forces.

*Article 14.*—While Italian merchant ships have been employed in the general interests of the United Nations they have been primarily employed in the Italian interest. Italian inland transport and ports have now been largely returned to Italian administration except in so far as redeployment and maintenance of Allied forces has had to be effected.

*Article 15.*—The provisions of this Article, as regards small vessels and craft, have not been fully satisfied owing to the difficulty of locating and identifying the vessels and craft concerned.

*Article 16.*—Control of radio has been returned to the Italian Government. All military and rehabilitated civilian telecommunications are being handed over to the Italians as military requirements decrease. Internal censorship has been abolished in the areas under Italian Government control.

*Article 18.*—The second sentence of this Article has never been invoked, except in two frontier areas, i.e., on the Franco-Italian frontier and in Venezia Giulia.

*Article 19.*—Care has been taken to conserve, wherever possible, Italian resources for the use of the civil economy and to utilise local goods and services only when military necessity demanded. The Allied forces Local Resources Board, on the Committees of which Italian representatives have sat, was established as the Allocation Agency. While the legal rights of the Allied forces under this Article have not been modified, in practice it has been administered with as much regard as possible for Italian needs. With the redeployment of Allied troops from Italy, the utilisation of local resources and facilities is

diminishing rapidly. In addition, large quantities of food, coal, clothing and other commodities have been imported into Italy by the United Nations largely in United Nations ships to supplement local resources and to alleviate distress.

*Article 20.*—Allied Military Government was rigorously enforced in combat zones for obvious operational reasons. This was progressively relaxed as the battle moved forward until territories were handed over wholly to Italian administration.

*Article 21.*—As Allied forces are redeployed, facilities are progressively being handed back to Italian control.

*Article 22.*—With the declaration of war upon the Germans by the Italian Government in October, 1943, and the co-operation and loyalty of the Italian people to the Allied cause, there has never been any necessity to invoke this Article.

*Article 23.*—The Italian Government has been informed that the Allied Commission will no longer intervene in Italian internal financial affairs (except in cases of Allied military necessity) and that, with certain exceptions in Italy's own interest, the Italian Government need no longer obtain the approval of the Allied Commission prior to the execution of external financial transactions. The Italian Government is now free to fix or negotiate exchange rates for the lira without prior consultation with the Allied Commission.

*Article 24.*—Private export trade may now be resumed and all types of commercial and financial correspondence may now go forward from Italy to the non-enemy world, subject to the Italian Government putting into force certain trade control measures similar to those employed by the United Nations against enemy interests.

*Article 26.*—This Article is no longer enforced, and provided an individual has the necessary civil documents, such as passport, visas, etc., there is nothing to prevent him leaving Italian territory, subject of course to the immigration laws and regulations of the countries of intended destination.

*Articles 30 and 31.*—The Italian Government has of its own volition done all that would have been required.

*Article 32.*—This Article has been complied with and is, in the case of Clauses (A) and (B), no longer applicable. As regards Clause (C) the Italian Government has co-operated loyally in carrying out such instructions as have been given concerning the preservation and administration of United Nations property in Italy, previously sequestered by the Italian Government.

*Article 33.*—The part of Clause (B) that deals with the disposal of foreign assets has been modified in favour of the Italian Government (see under Article 23).

*Articles 36 and 37.*—The execution of these Articles has been modified by the Macmillan aide-mémoire of the 24th February, 1945.\*

*Article 41.*—In practice the armistice conditions have not been applied to Albania or to any former Italian territories overseas.

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\* See Appendix D above.



## (2)

The following general comments, which have been agreed between His Majesty's Government and the United States Government, show the extent to which certain provisions of the Cunningham-de Courten Agreement have been implemented or modified:—

1. As explained in the document this agreement was produced in modification of the Armistice Terms so that the Italian Fleet and mercantile marine could assist in the prosecution of the war against the Axis Powers.

2. The additions to the agreement were inserted at the Allied request after the original agreement had been concluded and were accepted in view of an amelioration of certain articles in the original terms of the armistice. Signature was accompanied by the formal statement by Admiral de Courten printed above.\*

3. The provisions of this agreement have been carried out and those provisions that remain operative with the cessation of hostilities and change of circumstances are still being carried out. Furthermore, many Italian war-ships are undertaking work of direct benefit to the Italians themselves, for example, transport of displaced persons.

4. While the employment of Italian ships has been of use to the United Nations it is pointed out that considerable United Nations resources have been expended in Italy and elsewhere to help the Italian Government in keeping the Italian ships running and their crews fed and clothed.

5. In addition to the use of Italian mercantile shipping under this agreement a number of the smaller Italian merchant ships has been returned to the control of the Italian authorities.

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\*See Appendix C above.





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